

289 c.21

A

COLLECTION

OF THE

PARLIAMENTARY

DEBATES

IN

ENGLAND,

FROM

The YEAR M, DC, LXVIII

To the present TIME

VOL. XIII.

Printed in the Year M, DCC, XL,





The Year M. DC. LXXIII

To the present Year

VOL. XIII.

Printed in the Year M. DC. C. XL.

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Par-



# Parliamentary Debates.

**A**S the following state of the national debt State of the national debt, was laid before the House of Lords this session of Parliament, it may not be improper to insert it here.

To the right honourable the Lords Spiritual and Temporal, in Parliament assembled.

*A state of the national debt, provided or unprovided for by Parliament, as it stood 31 December 1733, and 31 December 1734, together with an account of the produce of the sinking-fund in that year, and to the payment of what debts contracted before 25th of December 1716, the said fund has been applied.*

Amount of the national debt upon the 31st of Dec. 1733.	Increased between the 31st of Dec. 1733, & the 31st of Dec. 1734.	Paid off within the said Time.	Amount of the national debt upon the 31st of Dec. 1734.
<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>
1,837,033 0 9			1,837,033 0 9
108,100 0 0			108,100 0 0
130,499 8 0 $\frac{3}{4}$		900 0 0	129,599 8 0 $\frac{3}{4}$
161,108 6 8			161,108 6 8
109,290 0 0			109,290 0 0
312,000 0 0			312,000 0 0

## EXCHEQUER.

ANnuities for long Terms, being the Remainder of the original Sum contributed and unsubsribed to the *South Sea Company*.

ANnuities for Lives, with benefit of Survivorship, being the original Sum contributed.

ANnuities payable upon two or three Lives, being the Sum remaining after what is fallen in by deaths.

ANnuities at 9*l.* *per Centum*, *per Ann.*

Ditto on Lottery, 1710.

ANnuities on the plate act, 6<sup>o</sup> *Georgii* *primi Regis*.

A. 1735.

# DEBATES.

65

	l.	s.	d.	l.	s.	d.	l.	s.	d.
Annunities on Nevis and St. Christopher's debentures, at 3 <i>l.</i> per Centum.	37,821	5	1 $\frac{1}{4}$				37,821	5	1 $\frac{1}{4}$
Exchequer bills on the victuallers act, Anno 1726.	481,400	0	0				481,400	0	0
Ditto, made out for interest on old bills exchanged.	2,200	0	0				2,200	0	0
Annunities at 3 <i>l.</i> 10 <i>s.</i> per Centum, for the year 1731.	400,000	0	0				400,000	0	0
Duties on salt revived, Anno 1732.	325,000	0	0				147,393	19	10 $\frac{3}{4}$
Duties on salt continued, Anno 1734.							1,000,000	0	0
				1,000,000					
<i>East-India Company.</i>									
By two acts of Parliament 9 <sup>o</sup> Will. tertii Regis, and two other acts 6 <sup>o</sup> and 10 <sup>o</sup> Anne Regine.	3,200,000	0	0				3,200,000	0	0
<i>Bank of England.</i>									
On their original fund at 6 <i>l.</i> per Centum.	1,600,000	0	0				1,600,000	0	0
For cancelling Exchequer bills, 3 <sup>o</sup> Georgii primi.	1,500,000	0	0				1,500,000	0	0

Pur-

Purchased of the South-Sea company.	l.	s.	d.	l.	s.	d.	l.	s.	d.
Annuities at 4 <i>l.</i> per Cent. charged on the	4,000,000	0	0	4,000,000	0	0			
duty of coals, since <i>Lady-day</i> , 1719.	1,750,000	0	0	1,750,000	0	0			
Ditto charged on the surplus of the funds	1,250,000	0	0	1,250,000	0	0			
for Lottery, 1714.	800,000	0	0	800,000	0	0			
Ditto for Lottery, Anno 1731.									
<i>South-Sea Company.</i>									
On their capital stock and annuities,	29,389,087	10	2½	86,884	4	8½	29,302,203	5	6½
9 <i>Georgii Regis primi.</i>	47,393,539	10	9½	265,390	4	9½	48,128,149	6	0
							1,000,000		

The

*The Exchequer.*

**T**O cash of the sinking fund on the 31st of Dec. 1733, is

To the produce of the sinking fund between the 31st of Dec. 1733, and the 31st of Dec. 1734, viz.

On the aggregate fund.

General fund.

S. & Comp. fund.

578,635 10 7  
434,985 5 4  
120,319 7 2

*Dr.*

*l. s. d.*

143,191 10 11

*Per Contra.*

*Cr.*

*l. s. d.*

1,142,988 5 1

**B**Y paid in part of 1,200,000*l.* granted by Parliament for and towards paying off and discharging the debt of the navy.

To make good the deficiencies of the land tax in 1732, in farther part of the said 1,200,000*l.*

To complete the 1,000,000 to the *South-Sea* company.

To interest thereof. To make good the deficiencies of the annuities on the plate act to *Lady-day*, 1734.

Balance in cash 31 Dec. 1734.

1,269,547 17 8  
7,583 16 5

A. 1735.

DEBATES.

29,229 4 4

86,884 4 8

651 12 7

9,794 10 10

1,077,531 14 1



Committee  
appointed to  
inquire into  
the post-  
office.

ON Monday the 17th of February, *Walter Plummer*, Esq; moved the House of Commons, 'That the Post-master General might be ordered to lay before that house, a copy of his Majesty's warrant, whereby letters were permitted to pass free of the duty payable upon post letters;' which copy was accordingly laid before the house upon the 19th; and upon the 26th, the same gentleman moved, 'That it might be taken into consideration.' The warrant being accordingly read, the house proceeded to take it into consideration; upon which occasion, complaints were made by several members, that their letters were not only charged at the post-office, but that they were often broke open and perused by the clerks; and that this practice of breaking open letters, was become so frequent, and was so publickly known, that the very end for which that liberty was given to the post-masters, was intirely disappointed; for the intention being at first to discover any treasonable correspondence that might be carried on against the government, that intention was rendered altogether vain, because by the practice of opening letters being so frequent, and so well known, it was certain, that no man would carry on any treasonable correspondence by means of the post-office; so that the liberty given to break open letters at the post-office, could now serve no purpose, but to enable the little clerks about that office, to pry into the private affairs of every merchant, and of every gentleman in the kingdom. At last it was insisted, that the warrant then laid before the house, was not the last warrant granted by his Majesty, nor the warrant by which the post-masters then acted; and therefore it was moved, That a Committee should be appointed to inquire into that affair.

This motion was supported by *Edward Lisle*, Esq; member for *Marlborough* in *Wiltshire*, *George Heatcote*, Esq; *William Pulteney*, Esq; *Robert Dundas*, Esq;

Esq; and Mr. Alderman *Perry*; and it was a little opposed by Sir *Robert Walpole* and *Henry Pelham*, Esq; but at last they agreed to the motion, providing that Committee should not inquire into any thing that might tend to the discovering of any of the secrets of the government: And a Committee was appointed accordingly.

ON the 28th of *March*, Mr. *Plummer* reported, <sup>Their report</sup> from the said Committee, ‘ That they had examined the matter to them referred, and had directed him to report the same, as it appeared to them, together with their resolutions thereupon, to the house;’ which report being read, and delivered in at the table, the same was taken into consideration on the 16th day of *April*, and the resolutions of the Committee were as follow, viz.

*Resolved,*

‘ That it is the opinion of this Committee, that the privilege of franking letters by the knights, citizens and burgeses, chosen to represent the Commons in Parliament, began with the erecting a post-office within this kingdom, by act of Parliament.

‘ 2. That all letters (not exceeding two ounces) signed by the proper hand of, or directed to any member of this house, during the sitting of every session of Parliament, and forty days before and forty days after every summons or prorogation, ought to be carried and delivered freely and safely from all parts of *Great-Britain* and *Ireland*, without any charge or postage.

‘ 3. That it is an high infringement of the privilege of the knights, citizens and burgeses, chosen to represent the Commons of *Great-Britain* in Parliament, for any post-master, his deputies or agents,



‘ agents, in *Great Britain* or *Ireland*, to detain or delay, open or look into, by any means whatsoever, any letter directed to, or signed by the proper hand of any member, without an express warrant in writing, under the hand of one of the principal secretaries of state, for every such detaining, delaying, opening, or looking into.

‘ 4. That all letters directed to any member of this house, at any place within the bills of mortality, be carried by the proper officers of the post-office, to the house or lodgings of such member, or to the lobby of the House of Commons.

‘ 5. That it is a notorious breach of the privilege of the House of Commons, for any person to counterfeit the hand, or put the name of any member of the House of Commons upon any letter, in order to prevent its being charged with the duty of postage.

‘ 6. That such persons as shall presume to do the same, ought to be proceeded against with the utmost severity.’

The first two of these resolutions were that day agreed to, and on the 25th of the same month, the third resolution was amended thus.

‘ That it is an high infringement of the privilege of the knights, citizens and burgessees, chosen to represent the Commons of *Great-Britain* in Parliament, for any post-master, his deputies or agents, in *Great-Britain* or *Ireland*, to open or look into, by any means whatsoever, any letter directed to, or signed by the proper hand of any member, without an express warrant in writing, under the hand of one of the principal secretaries of state, for every such opening, or looking into, or to detain or delay any letter, directed to, or signed  
‘ with

‘ with the name of any member, unless there shall  
 ‘ be just reason to suspect some counterfeit of it,  
 ‘ without an express warrant of a principal secretary  
 ‘ of state as aforesaid, for every such detaining or  
 ‘ delaying.’

Then the three other resolutions were severally read a second time, and agreed to, without any amendment.

ON the 21st of *February*, the house went again into a Committee of the whole house, to consider farther of the supply granted to his Majesty, when they came to several resolutions, which were on the 24th agreed to by the house, and were as follow, *viz.*

Farther resolutions in the committee of supply.

‘ That a sum, not exceeding 215,710*l.* 6*s.* 5*d.*  
 ‘ halfpenny, be granted to his Majesty, for maintain-  
 ‘ ing his Majesty’s forces and garrisons in the plan-  
 ‘ tations, *Minorca* and *Gibraltar*, and for provisions  
 ‘ for the garrisons at *Anapolis Royal*, *Canso*, *Placen-*  
 ‘ *tia* and *Gibraltar*, for the year 1735.

‘ That a sum, not exceeding 10,273*l.* 1*s.* 7*d.*  
 ‘ farthing, be granted to his Majesty, for defray-  
 ‘ ing several extraordinary expences and services,  
 ‘ incurred *Anno* 1734, and not provided for by Par-  
 ‘ liament.

‘ That a sum, not exceeding 18,850*l.* 9*s.* 2*d.*  
 ‘ be granted to his Majesty, upon account, for  
 ‘ out-pensioners of *Chelsea* hospital, for the year  
 ‘ 1735.

Immediately after these resolutions were agreed to, Sir *William Wyndham* stood up, and moved to read the journal of the house of the 5th of *December*, in the 2d year of the reign of King *William* and Queen *Mary*, in relation to the report from the committee, to whom the consideration of the estimates and ac-  
 counts

Motion for a select committee, to inquire into the accounts of the navy.

counts relating to the army, navy and treasury, were referred, which was accordingly read. Then he moved to read the journal of the house of the 9th day of *November*, in the third year of the reign of their said Majesties, in relation to the appointment of a committee, to inspect the estimate of the charge of their Majesty's navy for the year 1692; and the same being then read accordingly, he then moved, 'That the ordinary estimate of his Majesty's navy for the year 1735, might be referred to the consideration of a select committee, and that they should examine the same, and report the facts with their opinion thereupon to the house.'

The argument in support of this motion was in substance as follows, *viz.*

Argument  
for it.

'Sir, when I reflect upon the long peace this nation has had the good fortune to enjoy, I am surprised to consider how bad an use has been made of it by the public, how small a part of our public debts has in all that time been paid off; but when I consider the vast sums that have been yearly raised in all that time, when I consider that the people have not been made quite free of any one tax which the preceeding war brought upon them, nor any tax, except one only, in the least diminished, I am really astonished: I cannot comprehend how it was possible, in every year of this long term of peace and tranquillity, to find so much as plausible pretences for putting the nation to such a vast expence; and I must think, if our Parliaments, for these twenty years past, had followed the laudable example laid down in the precedents now read to you, and had always appointed a select committee, to consider and examine the estimates yearly laid before them, it would not have been possible to prevail with them to agree that such an expence was necessary.

'This,

‘ This, Sir, I wish had been done by every Parliament, not only for these twenty years past, but by every Parliament since the Revolution: But as it is never too late to do well, and as this is the first session of a new Parliament, I hope we shall begin to follow that example which was shewn by the first Parliament after the Revolution. I hope it will not be said, but that Parliament had as good reason to put a confidence in the administration as this Parliament has, or as any Parliament had since that time; and yet we find that Parliament, in their very first session, passing an act, and by ballot appointing commissioners, for taking and examining the accounts of all public monies, and resolving that no person should be one of those commissioners, who had any office of profit, or was accountable to their Majesties; and their care of the public money, in their second and third sessions, we may collect from the journals now read to us. For this reason I am convinced, that what I am now to propose cannot be reflected on, as shewing the least disrespect to his Majesty, or as tending to shew a diffidence in our present administration. It is only shewing that prudent care of the people’s money, which we ought always to shew as their representatives, even tho’ there were no particular reason for our being so careful.

‘ But at present, Sir, we have a particular and a very melancholy reason for resuming the ancient usage of Parliament: It is well known, that estimates have been every year laid before this house, of all the expences which were then supposed to be necessary for the ensuing year; and notwithstanding those estimates were very extraordinary, and much larger than were ever before usual in this nation, yet in every year ample provision has been made for the expences of the ensuing year, conform to the estimates that had been laid before the house:

‘ This



‘ This is known to every man, and every man that  
‘ does know it must think it very odd, that in so  
‘ small a number of years, such a great debt should  
‘ be contracted as is at present due upon account of  
‘ our navy ; but it must appear still more surprising  
‘ when we consider, that in every session of Parlia-  
‘ ment, accounts have been laid, or ought to have  
‘ been laid before this house, of the deficiencies, if  
‘ any, of all former grants, and likewise of all ser-  
‘ vices incurred, and not provided for by Parliament.  
‘ If such accounts had been fully laid before this  
‘ house, and rightly considered, they would cer-  
‘ tainly have been examined into in every succeeding  
‘ session ; the deficiencies, if real, would then cer-  
‘ tainly have been made good ; and the services, if  
‘ found to have been necessarily incurred, would cer-  
‘ tainly have been provided for, out of the first and  
‘ readiest of the grants made for the service of the  
‘ next ensuing year.

‘ This, Sir, is the natural and the only proper  
‘ way of providing for all deficiencies, and for all  
‘ services incurred and not provided for by the for-  
‘ mer session of Parliament : While this method is  
‘ regularly pursued, the strength of the nation is not  
‘ impaired by loading posterity with debts and mort-  
‘ gages, nor can the people be so easily prevailed on  
‘ to submit to any extravagant and unnecessary ex-  
‘ pence ; and the facts being fresh in every man’s  
‘ memory, if any fraud or fallacy be artfully couch-  
‘ ed under any of the articles of the accounts given  
‘ in, it may be easily discovered ; but when the  
‘ nation is thus secretly run in debt, the strength of  
‘ it is daily impaired ; the people being ignorant of  
‘ their expence, cannot find fault with any of those  
‘ extravagant measures which occasioned that ex-  
‘ pence ; and when accounts are brought into this  
‘ house in such a heap, and after the transactions to  
‘ which they relate have been all past and forgotten,  
‘ it is then impossible for gentlemen, who peruse  
‘ them

‘ them only at the table, to discover the falshood of  
‘ any of the articles, or the fallacies that may be  
‘ practised in the manner of stating the accounts.

‘ Upon such a slight view, Sir, as I have taken of  
‘ the accounts now upon the table, it is not possible  
‘ for me to enter into the particular articles; but  
‘ I cannot help taking notice of one article, which  
‘ to me appears to be a very extraordinary one.  
‘ There is one article of near 250,000 *l.* charged,  
‘ not for the building of ships, but for the building  
‘ of houses; whether such houses were necessary, I  
‘ shall not now pretend to determine, but if they  
‘ were, I think it is too large a sum for any mini-  
‘ ster, or for any administration to have expended,  
‘ without a previous authority from Parliament; and  
‘ that I am sure was never so much as asked for.  
‘ What the present age may think of such a sum, or  
‘ what the gentlemen of this house may think of such  
‘ a sum I do not know; but I am sure our ances-  
‘ tors, even those of the very last age, would have  
‘ been extremely shy of loading the people with at  
‘ least a six-pence in the pound upon all the lands in  
‘ *Great-Britain*, for no other purpose, but that of  
‘ building houses for the commissioners and other  
‘ officers belonging to the admiralty; and I must  
‘ think it a little extraordinary to see ministers, of  
‘ their own heads, undertake to do that, which even  
‘ Parliaments of old would scarcely have undertaken  
‘ to have done. It is true, Parliaments have of late  
‘ become very good-natured, they have put great  
‘ trust and confidence in ministers, and have gene-  
‘ rally, I shall not say blindly, approved of all mi-  
‘ nisterial measures: This may, perhaps, have made  
‘ ministers presume a little farther than they would  
‘ otherwise have done; but I am very sure that in  
‘ former times, nay, till very lately, no minister  
‘ would have dared to have drawn the nation into  
‘ such an expence, without an authority from Par-  
‘ liament for so doing.

‘ This

‘ This article would, I believe, Sir, have appeared a little extraordinary, in the most flourishing circumstances that ever this nation was in; but in our present circumstances, when the people are groaning under heavy taxes, when most of those taxes are already engaged for the payment of our debts, I must think it highly extravagant. We ought to make our estate our own, we ought to free it from those mortgages that are upon it, before we think of beautifying it with sumptuous and costly buildings. However, Sir, let me suppose that this expence was no way extravagant, that it was absolutely necessary, yet still it ought to have been provided for by Parliament before it was undertaken, or at least it ought to have been provided for by the very next session after it was laid out: In that case the Parliament would probably have taken care to have saved as much upon some other article: By that means our being involved in so heavy a debt as we are at present, would have been prevented, and we would have been in a more tolerable condition for acting that part, which the present circumstances of *Europe* may make incumbent upon us to undertake.

‘ The revenues of a nation, Sir, which always arise from those taxes the people are obliged to pay, may properly be compared to the revenues of a private gentleman’s estate; and every gentleman who has a regard to his family, or to his own credit, will certainly proportion his expence and way of living to the revenues of his estate, taking care to save as much yearly as may be necessary for providing for the younger children of his family, and for answering those contingent expences, which future accidents or misfortunes may probably bring him into: Such a gentleman will consider, that if, by his way of living, or by any expensive project, he spends more than the yearly revenue

‘ of



‘ of his estate may, according to this computation,  
‘ answer, he must yearly destroy a part of his estate ;  
‘ and that the greater this surplus is, the sooner his  
‘ estate and family will be ruined. Let us suppose,  
‘ then, that such a gentleman had desired his steward  
‘ to sit down and compute the method and manner  
‘ how he was to live, the number of servants he was  
‘ to maintain, and the equipage he was to keep up,  
‘ so as not to spend yearly more than the revenue of  
‘ his estate could bear, allowing so much yearly for  
‘ children’s provisions, for paying off mortgages, if  
‘ he had any upon his estate, and for future contin-  
‘ gencies: Suppose this steward had prescribed such  
‘ a manner of living, and had for several years fed  
‘ him up in the notion, that he was spending no  
‘ more yearly than his estate could bear ; but at last  
‘ brings him in a terrible account of expences incur-  
‘ red and debts contracted, by the manner of living  
‘ which he himself had prescribed, and gravely tells  
‘ him, he must sell or mortgage one of his best ma-  
‘ nors for paying off those debts : What would such  
‘ a steward deserve ? What treatment could he ex-  
‘ pect to meet with ? Surely he must at least expect  
‘ all his accounts to be canvassed, and examined in  
‘ the strictest manner, and that his master would ne-  
‘ ver place a confidence in any of his schemes or  
‘ calculations for the future.

‘ The case, Sir, is the same with this nation at  
‘ present: We have been cajoled and made believe,  
‘ that what we were spending yearly was no more  
‘ than the taxes yearly raised would answer: These  
‘ taxes have been chearfully granted by Parliament,  
‘ and as chearfully paid by the people, in full ex-  
‘ pectation that these were all that were necessary for  
‘ answering our annual expence ; but now, Sir, when  
‘ we are in danger of being brought into a great and  
‘ unforeseen expence ; we are told that we have run  
‘ much in arrear, that a great debt has been con-  
‘ tracted, and that, for the payment of this debt, we  
‘ must

' must either mortgage those funds which ought to  
 ' be reserved for a time of danger, or we must lay  
 ' violent and impious hands upon those funds which  
 ' have been long ago declared sacred, and religious-  
 ' ly appropriated for relieving us from those heavy  
 ' burdens we at present groan under. While we  
 ' are members of this house, Sir, we are the trustees  
 ' and the guardians of the people; and when the  
 ' people have been so much cajoled and deceived,  
 ' when they have been thus insensibly run into a  
 ' heavy and unexpected arrear, shall we approve  
 ' of the accounts of those services, by which that  
 ' arrear has been occasioned, without examining  
 ' strictly into every article? I must think we  
 ' are both in honour and conscience, bound to  
 ' examine them in the strictest manner, and there-  
 ' fore I shall beg leave to move, &c. (as before  
 ' mentioned.)'

To this it was answered as follows, viz.

Answer.

' Sir, the affairs of *Europe*, and the various inci-  
 ' dents that have occurred since the famous peace of  
 ' *Utrecht*, are so fresh in every man's memory, that  
 ' I think it very unnecessary to enter into any parti-  
 ' cular detail of them; and therefore I shall only ob-  
 ' serve in general, that every man, who knows any  
 ' thing of the history of *Europe* for these last twen-  
 ' ty years, may very easily give a reason why we  
 ' have not been able to pay off any very considera-  
 ' ble part of our public debts. There was no me-  
 ' thod of paying off honestly and fairly any of our  
 ' debts formerly contracted, but by increasing the  
 ' public revenue, or saving a part yearly of that  
 ' which had before been established; and any gen-  
 ' tleman who will attend to our conduct for these  
 ' last twenty years will see, and must acknowledge,  
 ' that both these methods have been pursued as much  
 ' as it was possible. We could not increase the pub-  
 ' lic

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‘ lic revenue by imposing any new taxes, for our  
‘ people think they are already burdened with  
‘ too many ; and if any such method had been pro-  
‘ posed, it would certainly have been opposed, per-  
‘ haps by some of those gentlemen who now find  
‘ fault with so small a part of our debts having been  
‘ paid off: The only other method of increasing the  
‘ public revenue was, by having the taxes carefully  
‘ collected, and thereby endeavouring to increase the  
‘ produce of each ; and this has been pursued with  
‘ the utmost care and industry, insomuch that most  
‘ of our taxes produce more now than they did twen-  
‘ ty years ago.

‘ With respect to the saving a part of the public  
‘ revenue which had been before established, it could  
‘ be done no other way than by reducing the interest  
‘ payable to the creditors of the public, or by re-  
‘ ducing the public annual expence: The first of  
‘ these methods, I believe it will be acknowledg-  
‘ ed, has been pursued with great industry, and,  
‘ luckily for the nation, with great success ; and no  
‘ man can with justice say, that for these twenty  
‘ years past the nation has been put to any expence,  
‘ but what was absolutely necessary, according to the  
‘ circumstances the affairs of *Europe*, or the affairs  
‘ of the nation were in at the time ; nor has it been  
‘ put to any expence but what was regularly laid  
‘ before the Parliament, and always approved of  
‘ by Parliament ; so that the finding fault with any  
‘ part of our conduct for these twenty years past,  
‘ is not really finding fault with the conduct of our  
‘ ministers, but with the conduct of King and Par-  
‘ liament.

‘ I shall agree with the honourable gentlemen,  
‘ Sir, that estimates have been every year laid be-  
‘ fore the house, of what was then supposed to be  
‘ necessary for the service of the ensuing year ; and  
‘ I hope they will agree with me that it was right to  
‘ do so ; but I never heard that the gentlemen who

‘ computed those estimates, and laid them before Par-  
 ‘ liament, pretended to be infallible; and as they ne-  
 ‘ ver pretended to be so, they have often found they  
 ‘ were not; the estimates they have given in have been  
 ‘ found to be deficient, some of the necessary services  
 ‘ have been sometimes omitted, or the sum thereby  
 ‘ allotted, have been found not sufficient for answering  
 ‘ the services for which they were appointed, and this  
 ‘ is one of the reasons why so large a debt now appears  
 ‘ to be due on account of the navy: Another rea-  
 ‘ son is, that the funds appointed by Parliament, for  
 ‘ raising those sums which were yearly granted by  
 ‘ them for the service of the navy, have been al-  
 ‘ ways found deficient; and a third reason is, that  
 ‘ the Parliament have often found it necessary, for  
 ‘ the safety of the nation, to give his Majesty votes  
 ‘ of credit, in pursuance of which some additional  
 ‘ expences have been incurred, above what were  
 ‘ mentioned in the estimates yearly given in at the be-  
 ‘ ginning of the session; and as such expences were ge-  
 ‘ nerally incurred, by making additions to our navy,  
 ‘ (which is the natural defence of this nation, in all  
 ‘ times of danger) it has greatly increased the debt due  
 ‘ on account of our navy, and is one of the chief rea-  
 ‘ sons why that debt is now become so considerable.

‘ All these deficiencies, as soon as they were  
 ‘ known, have been every year regularly laid be-  
 ‘ fore Parliament; some of those accounts relating  
 ‘ to the navy debt, which are now upon your table,  
 ‘ have been for several years successively laid upon  
 ‘ your table, and all of them, except some few ar-  
 ‘ ticles which have lately accrued, were laid before  
 ‘ the last session of Parliament; but, for what reasons  
 ‘ I shall not pretend to determine, the Parliament  
 ‘ never thought fit to provide for those deficiencies,  
 ‘ or to pay off any part of that debt which has been  
 ‘ thereby occasioned; though I must suppose that,  
 ‘ as the accounts were regularly laid before Parlia-  
 ‘ ment, when the facts and the transactions to which  
 ‘ they



' they related were fresh in every man's memory,  
 ' if any error or fallacy could have been pointed  
 ' out, or if any objection could have been made to  
 ' any one of the articles, it would not only have  
 ' been taken notice of in this house, but would have  
 ' been made a subject for clamour over the whole  
 ' nation; for there always have been, and I hope  
 ' there will always be, a great number of gentlemen  
 ' in this house, not only capable, but ready and wil-  
 ' ling to discover any falshoods or fallacies, that may  
 ' be artfully foisted into our public accounts; and if  
 ' any such discovery had been made, our transac-  
 ' tions are not so secret, but those who are disaffect-  
 ' ed to his Majesty's family and government, or  
 ' discontented with the administration, might have  
 ' got hold of the discovery, and would certainly  
 ' have from thence endeavoured to have raised a  
 ' popular clamour, at least, against the administra-  
 ' tion: For this reason I must suppose, that all the  
 ' accounts upon your table have already been suffi-  
 ' ciently canvassed; and therefore I cannot think  
 ' there is any occasion for appointing a select com-  
 ' mittee for that purpose.

' As for the article, Sir, which the hon. gentle-  
 ' men have been pleased to distinguish by a parti-  
 ' cular remark; it is certain that houses, docks,  
 ' dock-yards, and magazines, are as necessary for  
 ' the support of our navy as ships of war; and it is  
 ' as necessary to rebuild the former, when fallen to  
 ' decay, as it is necessary to rebuild the latter. To  
 ' pretend that ministers, by directions from his Ma-  
 ' jesty, cannot or ought not to order a dock, dock-  
 ' yard or admiralty-office, to be repaired or rebuilt,  
 ' without having first laid the same before Parlia-  
 ' ment, seems to me something very extraordinary;  
 ' it may be as well pretended, that they ought not  
 ' to order a man of war to be rebuilt or repaired,  
 ' without first having laid the same before Parlia-  
 ' ment: In this respect, the greatness or the small-

' nefs of the ſum can make no difference; it is the  
 ' nature of the ſervice only we are to regard, when  
 ' we are to determine, whether it ought or ought  
 ' not to be laid before Parliament, before it be un-  
 ' dertaken; and ſurely no man will ſay, but that his  
 ' Majeſty, or his miniſters by his direction, may  
 ' give orders to rebuild a man of war, or to repair  
 ' or rebuild a public office, without having firſt laid  
 ' the affair before Parliament for their approbation.  
 ' I believe it will be granted, and, if it were inquired  
 ' into, it would be found, that no money has been  
 ' laid out in this way, nor any houſes built, but what  
 ' were abſolutely neceſſary; and if there had been  
 ' any falſhood or fallacy in any of the accounts re-  
 ' lating to that expence, as they have been long upon  
 ' the table, it would certainly have been diſcovered,  
 ' and would long before now have been taken notice of.  
 ' Thus it muſt appear, Sir, that the ſtory we have  
 ' been told of a ſteward's running his maſter in debt,  
 ' is no way parallel to the preſent caſe; for this na-  
 ' tion has been run into no extraordinary expence,  
 ' but what had not only the authority of Parliament  
 ' before it was undertaken, but the approbation of  
 ' Parliament after it was laid out; and if any debt  
 ' has been contracted, if the funds appropriated for  
 ' the ſervice of the year have proved at any time  
 ' deficient, or if any ſervices have been incurred,  
 ' which were not provided for by Parliament, thoſe  
 ' deficiencies and thoſe ſervices, have been regular-  
 ' ly laid before Parliament, as ſoon as they could be  
 ' brought into an account: And it is very certain,  
 ' if a ſteward ſhould run his maſter into no expence  
 ' but what he had a previous authority for, and  
 ' ſhould fairly and honeſtly lay before his maſter e-  
 ' very year, or as often as it could poſſibly be done,  
 ' a full account of the debt he had contracted in the  
 ' preceding year, that ſteward could deſerve no cen-  
 ' ſure from his maſter, nor would his maſter have a-  
 ' ny reaſon for examining his accounts, in a more  
 ' particular

‘ particular manner than he had ever done those of  
‘ any other steward.

‘ Now, Sir, as it must be granted that the nam-  
‘ ing of a select committee, to inquire into and exam-  
‘ ine any accounts or estimates, is a very extraor-  
‘ dinary method of proceeding; a method which  
‘ has not been practised for many years, and never  
‘ was often practised, we must suppose it will give  
‘ a general alarm, and will make people imagine,  
‘ that some frauds have been committed, or at least  
‘ that there is a suspicion that some frauds have been  
‘ committed: This will, of course, throw a reflec-  
‘ tion upon his Majesty’s government; and therefore  
‘ I think we ought not to enter into any such method,  
‘ without some very strong reasons; and as I can  
‘ see no reason for our entering into any such method,  
‘ as I can see no good that can be expected from any  
‘ such method, as I am convinced it will do a great  
‘ deal of mischief, by raising jealousies and fears a-  
‘ mong his Majesty’s subjects, therefore I must be  
‘ against the motion.’

The reply was in substance thus, *viz.*

‘ Sir, it is from the knowledge I have of the Reply.  
‘ history of this nation in particular, and the history  
‘ of *Europe* in general, that I am so much surprized,  
‘ with respect to the small part of our public debts  
‘ that has been paid off, notwithstanding the conti-  
‘ nuance of all our taxes, and the vast sums that  
‘ have been raised in every year of that time; and  
‘ the more I consider it, the more I am surprized,  
‘ the less I can account for the unprofitable use we  
‘ have made of such a long term of peace and tran-  
‘ quillity: But I am still more surprized to hear any  
‘ gentleman say, that all possible methods have been  
‘ pursued, either for diminishing the public annual  
‘ expence, or for diminishing the annual interest due  
‘ to the creditors of the public; on the contrary, I



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 ' nature of the service only we are to regard, when  
 ' we are to determine, whether it ought or ought  
 ' not to be laid before Parliament, before it be un-  
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 ' give orders to rebuild a man of war, or to repair  
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 ' into, it would be found, that no money has been  
 ' laid out in this way, nor any houses built, but what  
 ' were absolutely necessary ; and if there had been  
 ' any falshood or fallacy in any of the accounts re-  
 ' lating to that expence, as they have been long upon  
 ' the table, it would certainly have been discovered,  
 ' and would long before now have been taken notice of.

' Thus it must appear, Sir, that the story we have  
 ' been told of a steward's running his master in debt,  
 ' is no way parallel to the present case ; for this na-  
 ' tion has been run into no extraordinary expence,  
 ' but what had not only the authority of Parliament  
 ' before it was undertaken, but the approbation of  
 ' Parliament after it was laid out ; and if any debt  
 ' has been contracted, if the funds appropriated for  
 ' the service of the year have proved at any time  
 ' deficient, or if any services have been incurred,  
 ' which were not provided for by Parliament, those  
 ' deficiencies and those services, have been regular-  
 ' ly laid before Parliament, as soon as they could be  
 ' brought into an account : And it is very certain,  
 ' if a steward should run his master into no expence  
 ' but what he had a previous authority for, and  
 ' should fairly and honestly lay before his master e-  
 ' very year, or as often as it could possibly be done,  
 ' a full account of the debt he had contracted in the  
 ' preceding year, that steward could deserve no cen-  
 ' sure from his master, nor would his master have a-  
 ' ny reason for examining his accounts, in a more  
 ' particular

‘ particular manner than he had ever done those of any other steward.

‘ Now, Sir, as it must be granted that the naming of a select committee, to inquire into and examine any accounts or estimates, is a very extraordinary method of proceeding; a method which has not been practised for many years, and never was often practised, we must suppose it will give a general alarm, and will make people imagine, that some frauds have been committed, or at least that there is a suspicion that some frauds have been committed: This will, of course, throw a reflection upon his Majesty’s government; and therefore I think we ought not to enter into any such method, without some very strong reasons; and as I can see no reason for our entering into any such method, as I can see no good that can be expected from any such method, as I am convinced it will do a great deal of mischief, by raising jealousies and fears among his Majesty’s subjects, therefore I must be against the motion.’

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 ‘ with respect to the small part of our public debts  
 ‘ that has been paid off, notwithstanding the continuance of all our taxes, and the vast sums that have been raised in every year of that time; and the more I consider it, the more I am surprized, the less I can account for the unprofitable use we have made of such a long term of peace and tranquillity: But I am still more surprized to hear any gentleman say, that all possible methods have been pursued, either for diminishing the public annual expence, or for diminishing the annual interest due to the creditors of the public; on the contrary, I

‘ am convinced, that all possible methods have been  
‘ pursued for increasing the first, and no opportuni-  
‘ ties have been embraced, for reducing either the  
‘ principal or the interest due to the creditors of  
‘ the public, but such as durst not be refused or ne-  
‘ glected.

‘ We have been, for these twenty years, in a con-  
‘ tinued course of public peace and tranquility; at  
‘ least we have had no war declared, nor any broil  
‘ with any of our neighbours, for which a good rea-  
‘ son can now, in my opinion, be given, or from  
‘ which this nation has reaped any visible advantage;  
‘ and yet, in every year of that time, we have been  
‘ very near at as great an expence, as we were at in  
‘ any one year of the heavy war in King *William’s*  
‘ reign: We have had numerous armies kept up  
‘ within our own country; we have maintained  
‘ many Princes, and many armies in foreign coun-  
‘ tries; and we have sent many expensive squadrons  
‘ into almost all places of the world; and I should  
‘ be glad to hear a reason for any of our naval ex-  
‘ peditions, into the *Baltic* or the *Mediterranean*, gi-  
‘ ven by those who are now for our looking quietly  
‘ on, to see the Emperor stript of his dominions in  
‘ *Italy*; and *Muscovy* prescribing laws, and giving  
‘ sovereigns to its neighbouring kingdoms: In like  
‘ manner, I should be glad to hear a reason, for our  
‘ being so much alarmed at the treaty of alliance  
‘ only, between *Spain* and the Emperor, given by  
‘ those who now seem to be so little alarmed at a  
‘ treaty, not only of alliance but of conquest, be-  
‘ tween *France*, *Spain*, and *Sardinia*: This, Sir, I  
‘ do not say with a design to insinuate, that we have,  
‘ as yet, any great reason to be alarmed at this last  
‘ alliance; but I must think we had, from the be-  
‘ ginning, much greater reason to be alarmed with  
‘ it, than ever we had to be alarmed with the for-  
‘ mer; and I must think it would now have been  
‘ more justifiable in us, to have thrown ourselves  
‘ into

‘ into the arms of the Emperor, in order to have  
‘ prevented the consequences of this last alliance,  
‘ than ever it was to throw ourselves into the arms  
‘ of *France*, in order to prevent the consequences of  
‘ the former : From all which I must conclude, ei-  
‘ ther that a great part of the expence we have for-  
‘ merly been at might have been saved, or that our  
‘ present inactivity is highly dangerous, and utterly  
‘ inexcusable ; and, which of these two to chuse, I  
‘ shall leave to the gentlemen who now so strenuous-  
‘ ly insist, that for these last twenty years we have  
‘ taken all possible methods to diminish our public  
‘ annual expence.

‘ Now, Sir, as to the diminishing of the interest  
‘ payable to the creditors of the public, can it be  
‘ said, that we have taken any one method to dimi-  
‘ nish it, but what the nature of the thing and the  
‘ circumstances of the nation plainly and directly  
‘ pointed out, nay so plainly, that it would have  
‘ been highly criminal in any administration to have  
‘ neglected the opportunity ? But if we had applied  
‘ the sinking fund religiously and regularly, to the  
‘ payment of our public debts ; if we had saved e-  
‘ very farthing of that expence, which has been  
‘ thrown away in maintaining numerous idle armies,  
‘ and sending out many idle squadrons, and had ap-  
‘ plied all those savings to the same honest purposes,  
‘ the principal of our public debts would have been  
‘ so greatly reduced, that the creditors who remain-  
‘ ed unpaid, would have been glad to have taken  
‘ what interest we were pleased to allow them : Nay,  
‘ I do not know but the principal would, by this  
‘ time, have been so greatly reduced, that the three  
‘ great companies would have been glad to have pas-  
‘ sed from the payment of any future interest upon  
‘ what was due to them, in order to have had their  
‘ charters continued.

‘ Whether accounts were regularly laid before  
‘ Parliament, of the present navy debt, yearly, as it  
‘ became



' became due, is what I shall not pretend to deny,  
 ' because I do not really know whether it was so or  
 ' not ; but if this be true, which I shall, in complai-  
 ' sance to the hon. gentlemen, admit, it is the stron-  
 ' gest argument that can be given for what is now  
 ' proposed ; it is a full confirmation of that old pro-  
 ' verb, that *What is every man's business, is no man's*  
 ' *business* ; and therefore, an unanswerable argument  
 ' for our returning to the old custom of Parliament,  
 ' and appointing select committees every year, to  
 ' consider and examine every estimate that is laid be-  
 ' fore us : For I hope no man will say, but that we  
 ' ought, in time of peace especially, to raise as much  
 ' within the year as will answer the services of the  
 ' year ; and if any deficiency should happen in the  
 ' funds granted for one year, or if it should be found  
 ' that the estimates were deficient, all those deficien-  
 ' cies ought certainly to be made good the very next  
 ' year. It is certainly inconsistent with the public  
 ' good to leave arrears long due ; because when  
 ' tradesmen, or those who furnish the public with  
 ' what is necessary for public use, must lie for years  
 ' out of their money, it is certain they neither can,  
 ' nor will serve the public so cheap, as when they  
 ' know they are sure of their money in hand, or  
 ' within a few months after the goods are delivered ;  
 ' and the longer any of those arrears stand unpaid,  
 ' the more expensive will the future contracts of the  
 ' public always be, the greater price they will be  
 ' obliged to pay for every thing that is afterwards  
 ' bought for public use.

' With respect to ministers, indeed, and the tools  
 ' employed under them, I must observe, Sir, that  
 ' it is of great advantage to have public accounts  
 ' stand long in arrear, and this advantage is greater  
 ' in the navy than in any other branch of public bu-  
 ' siness ; because tradesmen, and others who serve  
 ' the public, but especially seamen, cannot lie long  
 ' out of their money ; if they cannot get their mo-  
 ' ney

‘ney soon after it becomes due, they must go to  
‘usurers, ministerial tools, and such like extortioners,  
‘to sell or pledge their public securities; this brings  
‘such securities to discredit and discount; and the  
‘more there are of them, the longer they are off be-  
‘ing paid, the greater discount they come to be at;  
‘so that at last they furnish a plentiful harvest to mi-  
‘nisters and their favourites; for when the discount  
‘upon those securities is raised to such a sufficient  
‘height, ministers then give the watch-word to their  
‘agents and favourites to go out and purchase; and  
‘when they have got them all, or most of them;  
‘into their hands, then the ministerial bowels begin  
‘to yearn for the sufferings of the public creditors,  
‘in having lain so long out of their money; and  
‘great merit is assumed for their coming to a com-  
‘passionate resolution, to have such or such a class  
‘of public creditors paid off: This house is always  
‘too good-natur’d to refuse such a just and such a  
‘benevolent request; and thus usurers, extortioners,  
‘and ministerial tools, get the full value of those  
‘securities, which they purchased at a great discount.  
‘This, Sir, I shall not say is the case at present;  
‘but I must say, I am apt to believe, if an inqui-  
‘ry were made into the affair, it would be found,  
‘that there is but a very small part of the debt due  
‘upon the navy, now in the hands of those who  
‘were originally the creditors of the public; and  
‘even this, Sir, is, in my opinion, an inquiry not  
‘unworthy of the representatives of the people of  
‘*Great-Britain* in Parliament assembled.

‘But, Sir, whatever the interest of ministers may  
‘be, it is certainly the interest of the public to pay  
‘off their debts regularly, and as soon as possible;  
‘and as I am convinced every gentleman now, or  
‘formerly in this house, has, and always had, the  
‘interest of the public more at heart than the interest  
‘of the minister; therefore I am convinced, that if  
‘these accounts have been upon our table, all the  
‘other



other gentlemen of the house are in the same condition with me; they are so far from having canvassed every article of them, that they are quite ignorant of their having been ever laid upon the table before this session of Parliament: If any gentlemen had but cast his eye upon such accounts, in any preceding session, and had observed the arrears standing unpaid, or unprovided for by Parliament, his regard for the public, his regard for the distressed creditors of the public, would certainly have prompted him, to have moved to have had them taken into consideration, and paid off long before now; nothing could have prevented it but a neglect, which has been occasioned by its not having been made the concern of any particular set of men; and for this reason we never ought to think it sufficient, to have accounts or estimates laid upon our table; we ought always to refer the consideration of them to select committees; and thus, by making it the particular business of a few, we may expect they will never be neglected and over-looked, as those now before us seem to have been, by their having been left to the care of the whole house.

I must beg leave, Sir, to differ from the hon. gentlemen, when they say, that the nature of the service is only to be regarded, when we are to determine, whether it ought or ought not to be laid before Parliament before it be undertaken; for, in my opinion, the sum to be laid out ought likewise to be considered: If the sum to be laid out be but small, and the nature of the service such as of course often occurs, it may be undertaken without any particular directions or authority from Parliament; but if the sum comes to be very large, though the nature of the service be such as has often occurred, and has generally been undertaken without any particular directions from Parliament, yet such directions become necessary when  
the

the sum is much larger than what is usually required for that service: His Majesty may, without doubt, give orders to have a man of war, or perhaps half a dozen in a year, repaired; but if, by the neglect of former times, or by any great misfortune, it should become necessary to lay out, in any one, two or three years, a very large sum for that purpose, it would then become proper to lay that necessity before Parliament; and I think no minister ought to undertake such an extraordinary service, without having first obtained an authority from Parliament for so doing: In the case mentioned, I believe it will be granted, that the building of houses is a service that does not often occur; and I am very sure, the sum that has been laid out, and which now makes a great part of our navy debt, is a much larger sum than ever was laid out in this nation upon such a service, in so small a number of years; nay, I do not know but it amounts to more than was ever before expended in this nation for building docks, or any other sorts of buildings for the use of our navy, or the officers of our navy; and therefore, both with respect to the nature of the service, and the sum to be laid out, it ought not to have been undertaken, without a previous authority from Parliament.

Sir, if the nation has been run into any unnecessary expence, if any unnecessary and unprofitable services have been undertaken, I am sorry to hear it said, that nothing has been undertaken, nor any expence incurred, without the authority and approbation of Parliament; but, Sir, if it were so, the authority or the approbation of former Parliaments, can be no reason for our giving our approbation of what they have approved of, or following their example in giving our authority for undertaking such services for years to come, as they have authorised for years past; We are under

‘ der no greater obligation to approve of what was  
‘ approved of by the very last Parliament, than we  
‘ are under to approve now, of what was approved  
‘ of by that Parliament in King *Charles* the II<sup>d</sup>’s  
‘ reign, which was called the *Pensionary Parliament*;  
‘ and I believe, if a gentleman’s steward should, by  
‘ ways and means, obtain his authority for, or ap-  
‘ probation of any extravagant or unnecessary ex-  
‘ pence, he would be very apt, and would have  
‘ good reason, to censure his steward’s conduct, when  
‘ he found himself imposed on, his revenues all mort-  
‘ gaged, and his family ruined: If it should appear,  
‘ that such a steward had raised for himself an opu-  
‘ lent fortune, upon the ruins of his master’s estate,  
‘ his master, or, at least, the next representative of the  
‘ family, would certainly inquire into that steward’s  
‘ conduct, and, notwithstanding the authority or ap-  
‘ probation obtained, would, as certainly, if possible,  
‘ seize upon the steward’s estate, and apply it to-  
‘ wards the relief of his own.

‘ To pretend, that what is now proposed will  
‘ raise jealousies and fears among the people, or give  
‘ them any suspicion of his Majesty’s government,  
‘ is an argument which, I find, Sir, is always to be  
‘ brought in, over head and shoulders, when any at-  
‘ tempt is made to inquire into the conduct of his  
‘ Majesty’s ministers; but I would have gentlemen  
‘ consider, that the proper business of Parliament is  
‘ to inquire into the conduct of ministers: It is one  
‘ of the chief ends of our meeting in this place; and  
‘ if the people find that such attempts are always  
‘ over-ruled or disappointed, it will give them a sus-  
‘ picion, not only of his Majesty’s government, and  
‘ the conduct of his ministers; but it will give them  
‘ likewise a suspicion, and a just suspicion too, of  
‘ the conduct of Parliament: We ought to consider,  
‘ what it was that gave the Parliament I have men-  
‘ tioned in King *Charles* the II<sup>d</sup>’s reign, the igno-  
‘ minious epithet it is now branded with; and if  
‘ the

‘ the people should conceive any such suspicion of this,  
‘ or any future Parliament, it would raise real jea-  
‘ lousies and fears among them, it would make them  
‘ despair of ever having their grievances redressed  
‘ in a legal way, and that despair might drive them  
‘ into the most violent and the most terrible methods  
‘ of seeking redress; therefore I wish that gentlemen  
‘ would, upon all occasions, distinguish a little be-  
‘ tween his Majesty and his ministers, and never  
‘ allow the respect they may have for the latter, to  
‘ over-balance the duty they owe to the former.

‘ The respect that former Parliaments have shewn  
‘ to the ministers for the time being, and the great  
‘ confidence that has for a long time been put by  
‘ Parliament in their conduct, is, I am afraid, one  
‘ of the great causes that this nation now remains  
‘ groaning under such a load of debts and taxes;  
‘ and therefore it is now high time for us, to reassume  
‘ a little of that jealousy which was indulged by our  
‘ ancestors, and which has so often proved to be of the  
‘ most signal benefit to this nation. We have been  
‘ talking big, Sir, of putting ourselves in a condition,  
‘ to compel the acceptance of the terms of peace  
‘ we are to propose; but I wish we may not find  
‘ that our neighbours are too well acquainted with  
‘ our circumstances, to be afraid of what we can do:  
‘ They know, I am afraid, that our people are al-  
‘ ready as heavily taxed, as they can with any pa-  
‘ tience bear: They know, that all those taxes are  
‘ already engaged, either for the payment of our  
‘ debts, or for the support of our civil government;  
‘ and when they know us to be in such melancholy  
‘ circumstances, can it be supposed that our menaces  
‘ will have a great influence upon any of their reso-  
‘ lutions: But if they should find, that our Parlia-  
‘ ments were beginning to look closely into the ma-  
‘ nagement of our public affairs, they would from  
‘ thence conclude, that the best use would be made  
‘ of every shilling hereafter to be raised; they would  
‘ conclude,



‘ conclude, that the people would contribute with  
 ‘ the more alacrity, and from thence they will pro-  
 ‘ bably be induced, to give some attention to what-  
 ‘ ever we may think necessary to propose, for resto-  
 ‘ ring the peace of *Europe*. For this reason, if there  
 ‘ were no other, we ought to agree to what the ho-  
 ‘ nourable gentleman has been pleased to propose.’

Question.

The question being at last put upon the above motion, it was, upon a division, carried in the negative, by 198 to 168.

Speakers.

The principal speakers for this motion were, Sir *William Wyndham*, *Samuel Sandys*, Esq; *Philip Gybon*, Esq; the Master of the Rolls, *William Pulteney*, Esq; and others; and those against it were, Sir *Robert Walpole*, *Horatio Walpole*, Esq; Sir *William Yonge*, *Thomas Winnington*, Esq; Colonel *Bladen*, &c.

Motion for  
 a clause to  
 the mutiny-  
 bill,

UPON the mutiny bill being reported to the house on the 26th of *February*, Sir *Walter Baggot*, one of the knights for *Staffordshire*, stood up, and spoke to this effect: ‘ That since the house had found it necessary to make such a large addition to the army, and seemed inclined to continue the severe penalties on deserters, and the method of recruiting prescribed by that, and former bills of the like nature; he thought it was necessary to add some clause in order to make the bill less dangerous to the subject than it was as it then stood. That by a clause in the bill, it was proposed to be enacted, as in former bills, that if a poor country fellow should enlist with an officer and take his money, and should afterwards, when carried before a justice, refuse to declare himself enlisted, and take the oath prescribed by law for that purpose, it should then be in the power of the officer, to send such a poor fellow to prison, and confine him in a dungeon for a whole month, even tho’ it should appear that



' the poor fellow was inveigled to inlist when he  
 ' was drunk, and was willing to return the money  
 ' he had taken, and satisfy all the charges the officer  
 ' had been at. This power of confining a poor  
 ' fellow in a dungeon, where he might be in danger  
 ' of starving, was, he thought, too great a power  
 ' to be intrusted absolutely in the hands of any offi-  
 ' cer: It was no way necessary for his Majesty's  
 ' service, and might be of dangerous consequence,  
 ' because it might tempt some officers to practise all  
 ' the inveigling arts they could think of, not with  
 ' an intention to recruit his Majesty's forces, but to  
 ' compel poor country fellows to give them a sum  
 ' of money, by way of composition, for being dis-  
 ' charged from the bargain they had made when  
 ' drunk, or in a passion, and for being freed from  
 ' the confinement, to which the officer had by law  
 ' an uncontrollable power to subject them; there-  
 ' fore that he would beg leave to offer a clause to be  
 ' added to the bill, which was to this effect, *That*  
 ' *every officer, who should thereafter inlist any man to*  
 ' *serve in any regiment, should within*      *days,*  
 ' *carry the man so inlisted, before some one of the next*  
 ' *justices of the peace, where the man so inlisted, should*  
 ' *be at liberty to declare his dissent, and his having re-*  
 ' *pented of what he had done; and upon his so doing,*  
 ' *and returning to the officer the inlisting money, and*  
 ' *the expences the officer had been at by inlisting him,*  
 ' *and carrying him before the justice, not exceeding the*  
 ' *sum of*      *such justice should forth-*  
 ' *with discharge him: And that an officer, guilty of*  
 ' *any failure or neglect in this respect, should be liable*  
 ' *to the same penalties to which officers are made liable*  
 ' *for false musters.'*

This motion was seconded by *Thomas Bramston,*  
*Esq;* one of the knights for the county of *Essex,*  
 who informed the house, ' That he actually knew a  
 ' case, where a poor fellow was inveigled when he

' was

‘ was drunk, and when he came to be sober, he repented of what he had done, and therefore refused to take the oaths when carried before the justice; but the officer insisted upon his being sent to prison, and confined for a month in the terms of the act of Parliament, tho’ the poor fellow offered to return the inlusting money and all charges; and it not being in the power, or not in the inclination of the justice, to refuse the officer’s demand, the poor fellow was accordingly sent to jail, where he remained for some time; but having no victuals nor drink, he was at last compelled to go before the justice, and take the oaths prescribed, in order to prevent his being starved in jail.

Answer.

To this it was answer’d by Lieutenant-General *Wade, Henry Berkeley, Esq; Patrick Lindsay, Esq; and William Hay, Esq;* in substance, ‘ That what was proposed by the clause offered, had already been taken care of, by his Majesty’s orders and directions for regulating the army; for as no soldier could be tried for desertion or mutiny, upon the mutiny act, unless he had taken the oaths prescribed by that act before some justice of peace, therefore his Majesty had given a general order to all officers, that no recruit should be brought to, or entered in any regiment, till he had first been regularly inlusted, and had taken the oaths prescribed by law, before some of his Majesty’s justices of the peace; so that by his Majesty’s order, every officer was obliged to do what was proposed by the clause offered; and as the bill then before them was of the same nature with former bills against mutiny and desertion, it would be absolutely necessary to continue the same general order to all officers, with respect to their carrying recruits before some justice of peace; therefore they thought it was unnecessary to add any clause for that purpose; and it would be attended with many inconveniencies,

‘ veniencies,’ several of which they mentioned, particularly, ‘ that it would be often inconvenient, and ‘ sometimes impossible for an officer to carry a recruit before any justice, within the time proposed, ‘ or within any limited number of days.’

It was replied by Sir *William Wyndham*, Sir *John Barnard*, *Samuel Sandys*, Esq; and others, to this effect,

‘ That the very clause then proposed had been Reply.  
‘ in several mutiny bills during the reign of King  
‘ *William*, tho’ it was then in time of war, and recruiting of course more difficult than it could be  
‘ supposed to be at present. That the honourable  
‘ gentlemen could not say, that by his Majesty’s order they had mentioned, or by any order his Majesty could give, the justice of the peace was obliged  
‘ to discharge the man inlisted, upon his declaring  
‘ before him his having repented of what he had done, and returning to the officer the inlisting money, and all the charges the officer had been at in inlisting him. That this was what was proposed  
‘ by the clause offered; it was proposed to lay an obligation upon the justice, and to give a poor fellow an opportunity to get off upon reasonable  
‘ terms, in case he should repent of what he had done; neither of which had been, or could be effected, by any order his Majesty had given, or  
‘ could give for regulating the army. That the grievance complained of, was, the inveigling of  
‘ men to inlist, and making a property of them after their having been so inveigled; and this was  
‘ a power or privilege, which they hoped no officer would insist on: The abolishing of this power or  
‘ privilege, was what was chiefly aimed at by the clause offered, and therefore they hoped the house  
‘ would agree to it.’

Sir *Robert Walpole* and *Henry Pelham*, Esq; having Agreed to,  
at last declared, ‘ That they would be for the clause,  
‘ if it was not, or could be so fashioned as not to

‘ be, attended with any great inconvenience to the  
 ‘ service ;’ they therefore proposed, ‘ that the debate  
 ‘ should be adjourned till next day, in order that  
 ‘ such a clause might be contrived, as might prevent  
 ‘ the grievance complained of, without being at-  
 ‘ tended with any great inconvenience to the service.’  
 And it being admitted of the other side, ‘ that the  
 ‘ clause, as it then stood, might perhaps stand in  
 ‘ need of some little amendment,’ it was agreed to  
 adjourn the debate till next day ; when the clause  
 as it now stands in the mutiny act was agreed to,  
 and added to the bill.

Motion re-  
 lating to the  
*Denmark*  
 treaty.

ON the 28th of *February*, the House of Com-  
 mons having (according to order) resolved  
 itself into a Committee, to consider farther of  
 the supply granted to his Majesty ; and the trea-  
 ty with *Denmark*, dated the 30th of *September*,  
 N. S. being the 19th, O. S. 1734, having been re-  
 ferred to the said Committee, a motion was made as  
 follows, *viz.*

‘ That it was the opinion of that Committee,  
 ‘ that the sum of 56,250*l.* should be granted to his  
 ‘ Majesty, on account of the subsidy payable to the  
 ‘ King of *Denmark*, pursuant to the treaty bearing  
 ‘ date the 19th day of *September*, 1734, for the ser-  
 ‘ vice of the year 1735.’

This occasioned a long debate, in which many of  
 the arguments for and against the augmentation of  
 our sea and land forces were here again repeated ;  
 but these having been already given, we shall now  
 give only that part of this debate, which relates par-  
 ticularly to the treaty.

Argument  
 for the mo-  
 tion.

The argument for the motion was to this effect,  
*viz.*

Sir,



‘ Sir, altho’ we are not engaged in the present war, nor have any particular interest for inducing us to engage in it, yet as the balance of power in *Europe*, depends very much upon the event of the present war, we do not know, but we may be soon brought under a necessity of joining one or other of the parties now engaged in war, in order to preserve the liberties of *Europe*, and consequently our own; therefore it is incumbent upon us to provide in time, and to strengthen ourselves before-hand, not only by increasing our forces at home, but by engaging as many foreign powers as we can, to join with us upon any such event. In such a situation, it was natural for us to cast our eye first towards *Denmark*, because the interest of that nation is generally the same with our own; and on the present occasion it was the more necessary, because great endeavours were making use of, to have engaged that court upon the other side of the question; so that if we had not taken care to have engaged that nation in an alliance with us, it was very probable, and very much to be apprehended, that a certain other power might have succeeded in its endeavours for engaging that nation in their interest, which might have proved of the most fatal consequence to the liberties of *Europe*, and consequently to those of this nation.

‘ The experience of the last two wars against *France* may convince us, Sir, how dangerous it is to allow any of the powers of *Europe* to exalt itself too much, and how expensive it may prove, to reduce a power that has once got too great an ascendant over its neighbours: This, Sir, engaged his Majesty’s attention as soon as the war broke out, and he has been ever since using all his endeavours, in conjunction with our allies the *Dutch*, to reconcile the differences now subsisting in *Europe*, and to put an end to the present war, by a just and a reasonable peace, before either side should



‘ become so formidable, by success and conquest, as  
‘ to make it necessary for this nation to engage in  
‘ the war, in order to reduce that power, which the  
‘ fortune of war had begun to make formidable.  
‘ In pursuance of his Majesty’s gracious and wise  
‘ intention, a plan of peace has already been offered  
‘ to the parties engaged in war; and the only effec-  
‘ tual way for rendering his Majesty’s endeavours  
‘ successful, by the acceptance of this plan, was, to  
‘ render ourselves formidable by our foreign allian-  
‘ ces, as well as by the augmentation of our own  
‘ forces both by sea and land; for by so doing, we  
‘ rendered it dangerous for either of the parties en-  
‘ gaged in war, to attempt to amuse us with nego-  
‘ tiations, or to shew themselves obstinate, in refu-  
‘ sing to give ear to those just and honourable terms  
‘ of peace, which his Majesty and his allies were pre-  
‘ paring to offer them.

‘ The expence, Sir, which this nation is to be put  
‘ to, by means of this treaty with *Denmark*, must  
‘ appear but very inconsiderable to every gentleman  
‘ who considers, that we thereby not only secure the  
‘ friendship and assistance of a very powerful king-  
‘ dom, but prevent their being engaged against us,  
‘ in case the future event of the war should make it  
‘ necessary for us to join the other side; and in all  
‘ cases, either of a public or a private nature, it is  
‘ certainly the height of wisdom and prudence, upon  
‘ any emergency, to lay out a small sum of money,  
‘ when it is probable, we may, by so doing, pre-  
‘ vent our being afterwards brought under a necessi-  
‘ ty of putting ourselves to an immense expence,  
‘ and risking perhaps all that we are worth in the  
‘ world. This, Sir, is the very case at present in  
‘ relation to our treaty with *Denmark*; for we may  
‘ probably, by that treaty, prevent the continuance  
‘ of the war, or at least, we may prevent either  
‘ side’s pushing their conquests so far, as to make it

‘ dan-

‘ dangerous, and yet necessary for us to engage  
‘ against them.

‘ It is well known, Sir, that nations are, in all  
‘ their public transactions, intirely governed by their  
‘ own interest ; and as we knew, as all *Europe* knew,  
‘ that great offers were making to *Denmark*, in or-  
‘ der to engage them on that side, against which  
‘ we might soon find ourselves under a necessity to  
‘ engage, therefore it became absolutely necessary for  
‘ us to step in seasonably, and to offer them such  
‘ terms as might convince them, that it was more  
‘ their interest to join in an alliance with us, than  
‘ to join in an alliance with either of the parties en-  
‘ gaged in war : I must therefore think, that the  
‘ concluding of this treaty was one of the most  
‘ prudent steps his Majesty could take, and the con-  
‘ ditions on our part are so reasonable and so easy,  
‘ that I think every gentleman in this house must  
‘ approve of them ; and that therefore the motion  
‘ now made to us, will be agreed to without any  
‘ opposition.’

The answer to this was in substance as follows,  
*viz.*

‘ I am glad, Sir, to hear that we are as yet no Answer.  
‘ way engaged in the war, and that we have no par-  
‘ ticular interest for inducing us to engage ; for if it  
‘ be so, I am sure it is ridiculous in us, to put the  
‘ nation to a great expence, in order to provide  
‘ against a danger, which may probably never hap-  
‘ pen. If we have nothing for inducing us to en-  
‘ gage, but only the danger the balance of power in  
‘ *Europe* may be in, by the event of the war ; we  
‘ might have saved ourselves a great deal of ex-  
‘ pence, and may rest easy and quiet, till one of the  
‘ parties now engaged in war, begins to push their  
‘ conquests so far, as to endanger the balance of  
‘ power ; then, and not till then, will it be necessary

‘ for us to engage ; and till then, it is quite unneces-  
 ‘ sary for us to put ourselves to any expence : Nay,  
 ‘ it is not only unnecessary, but very imprudent in  
 ‘ us, to precipitate ourselves into an expence, before  
 ‘ any danger appears ; because it is wasting the  
 ‘ strength of the nation before we come to engage  
 ‘ the enemy, before the enemy so much as appears  
 ‘ in view.

‘ As we have no particular interest of our own  
 ‘ for inducing us to engage in the present war ; as  
 ‘ we can have no reason for engaging in it, but only  
 ‘ from the danger the balance of power may come  
 ‘ to be in by the event ; in this event, Sir, all the  
 ‘ powers of *Europe* are concerned ; they are all as  
 ‘ much, and more interested, in the preservation of  
 ‘ that balance than we are ; and if it should come  
 ‘ to be in any real danger, they would certainly en-  
 ‘ gage in its defence, without receiving any bribe,  
 ‘ or other valuable consideration from us : but if  
 ‘ we should thus make ourselves the *Don Quixots*,  
 ‘ or rather the dupes of *Europe* ; if we should be al-  
 ‘ ways the first to take the alarm upon any war’s  
 ‘ breaking out, and should run about among the  
 ‘ powers of *Europe*, offering bribes and pensions to  
 ‘ all the Princes, and all the Ministers of State in  
 ‘ *Europe*, the whole charge of preserving that ba-  
 ‘ lance would fall upon this nation ; and every Prince  
 ‘ and minister in *Europe* would, upon every such oc-  
 ‘ casion, expect a bribe or a pension from *England*,  
 ‘ for doing that which he would otherwise be obli-  
 ‘ ged to do for his own preservation : Even the  
 ‘ *Dutch*, who were the first that possessed us with  
 ‘ that notion of preserving the balance of power,  
 ‘ which has already cost this nation such incredible  
 ‘ sums of money, may at last refuse to assist, when  
 ‘ the balance of power is really in danger, unless we  
 ‘ submit to make the grand pensionary of *Holland*  
 ‘ a pensionary of *England*, and to take a great num-  
 ‘ ber of their forces into *English* pay.

‘ It

‘ It is really surprizing, Sir, to hear gentlemen  
 ‘ talk of the balance of power’s being at present in  
 ‘ danger, and that we must already begin to pro-  
 ‘ vide, and put the nation to a great and immediate  
 ‘ expence for its preservation, when there is not a  
 ‘ Prince or State in *Europe*, who seems to apprehend  
 ‘ that it is in the least danger: The *Dutch* are so  
 ‘ far from being apprehensive of any such thing,  
 ‘ that they have not put themselves to one shilling  
 ‘ expence on account of the present war, or on ac-  
 ‘ count of that mediation, which they are engaged  
 ‘ in, as well as we: The Princes and States of Ger-  
 ‘ many, who would certainly be the first sacrifices to  
 ‘ the overturning the balance of power in *Europe*,  
 ‘ are so far from being apprehensive, that it may be  
 ‘ in danger by the event of the present war, that  
 ‘ some of the most considerable of them, have ac-  
 ‘ tually engaged in a neutrality, with respect to the  
 ‘ present war; and not one of them, but the Empe-  
 ‘ ror only, has exerted, or is preparing to exert his  
 ‘ whole strength in defence of the Empire: Even  
 ‘ the King of *Denmark*, whom we have thought it  
 ‘ necessary, it seems, to engage by a considerable  
 ‘ yearly pension, is himself a Prince of the Empire,  
 ‘ and would certainly suffer, by the overturning the  
 ‘ balance of power in *Europe*, much sooner than it  
 ‘ can be supposed this nation could suffer; and  
 ‘ therefore we must conclude, that it is more im-  
 ‘ mediately his interest to engage, not only in de-  
 ‘ fence of the balance of power, but in defence of  
 ‘ the Empire; yet we, it seems, have been so gene-  
 ‘ rous, as to promise to reward him bountifully for  
 ‘ his own preservation. This, Sir, is a most per-  
 ‘ nicious example, it may at last bring the balance  
 ‘ of power into real danger, because it may tempt  
 ‘ all the Princes of *Europe* to neglect it, until we  
 ‘ submit to be so ridiculous, as to grant them yearly  
 ‘ pensions for taking care of it; and I do not know  
 ‘ but this very precedent, has now provoked all the



‘ Princes of *Germany* to stand aloof, on purpose to  
‘ engage us to extend our bounty in the same man-  
‘ ner to each of them.

‘ To tell us, Sir, that if we had not entered into  
‘ this treaty with the King of *Denmark*, he might  
‘ have been prevailed on to have concluded a treaty  
‘ with a certain other power, which might have  
‘ been prejudicial to us, is, in my opinion, some-  
‘ thing very odd; for we must suppose, either that  
‘ we had no occasion to enter into any treaty, or we  
‘ must suppose, that the King of *Denmark* would  
‘ have entered into no treaty which could have been  
‘ prejudicial to us: If the balance of power was not  
‘ like to be in any danger, we had no occasion to  
‘ enter into any treaty; and if it was like to be in  
‘ danger, we cannot suppose that *Denmark* would  
‘ have concluded any treaty, contrary to that natural  
‘ engagement they have to preserve it; much less  
‘ can we suppose, that they would have concluded  
‘ any treaty, by which it might have been brought  
‘ into danger. Princes, it is true, Sir, do not al-  
‘ ways see their real interests, but if we resolve, upon  
‘ every occasion, to clear their eye-sight by a bribe  
‘ or a pension, I am afraid none of them will ever  
‘ open their eyes, without receiving some such re-  
‘ medy from us. We are never to suppose, that  
‘ any Prince of *Europe* will engage against the li-  
‘ berties of *Europe*, or will perform any former en-  
‘ gagement, when the performance comes to be ap-  
‘ parently inconsistent with the liberties of *Europe*,  
‘ and consequently with his own independency, un-  
‘ less he be very much blinded and misguided by  
‘ some private and particular interest of his own;  
‘ and of all the Princes of *Europe*, the King of  
‘ *Denmark* is, in this respect, the least liable to any  
‘ temptation: There are several other Princes of  
‘ *Europe*, who may be tempted to join with those,  
‘ who may have designs against the liberties of *Eu-  
‘ rope*; because they may be made from thence to  
‘ expect



‘ expect some addition to their own dominions;  
‘ and these are the Princes upon whom we ought to  
‘ have a watchful eye; these are the Princes, if any,  
‘ upon whom we ought to bestow our bribes and  
‘ our pensions, in order to keep them firm to the  
‘ general interest of *Europe*: If we had, by any sub-  
‘ sidy or pension, engaged the Duke of *Bavaria* in  
‘ an alliance; if we had, by any subsidy or pension,  
‘ disengaged the King of *Sardinia* from his present  
‘ allies; or if we had laid out a sum of money in  
‘ engaging the *Polanders* to make such a choice of a  
‘ King, as would have prevented the breaking out of  
‘ the war (and perhaps a less sum might have done,  
‘ than the expence we have already been at on ac-  
‘ count of the war) there might have been some  
‘ reason for our being at such an expence; but I  
‘ can see no reason for, nor any additional advantage  
‘ we can expect from, the expence we are to be at  
‘ on account of this treaty with *Denmark*.

‘ I shall readily agree with the honourable and  
‘ learned gentleman, that nations are intirely go-  
‘ verned by their own private interest: Nay farther,  
‘ I shall admit, that even private men are very much  
‘ governed, by what they think their own interest;  
‘ but as it is the interest of *Denmark*, as much as it  
‘ is the interest of this nation, to preserve the ba-  
‘ lance of power in *Europe*, therefore I must think  
‘ it was quite unnecessary for us to give them a fee  
‘ for doing so: I shall indeed grant, that they were  
‘ in the right to take it, since we were so generous  
‘ as to offer it; for, I believe, few private men will  
‘ refuse to take a fee, for doing that which it is both  
‘ their duty and their interest to do without any re-  
‘ ward: All I shall, or indeed can reasonably wish for,  
‘ in such a case, is, that no Prince or private man,  
‘ would allow himself to be engaged, by any reward  
‘ or promise, to do that which is contrary to his  
‘ duty, and really, if he considers it right, inconsis-  
‘ tent with his own interest: And as I have a great  
‘ opinion

‘ opinion of the honour and the penetration both of  
 ‘ the King and the ministers of *Denmark*, I must  
 ‘ conclude, they would never have entered into any  
 ‘ engagements, that were inconsistent with the li-  
 ‘ berties of *Europe* ; I must conclude, that they will  
 ‘ always be ready, without any fee or reward, to  
 ‘ join with all their force, in the preservation of the  
 ‘ balance of power, whenever it shall appear to be  
 ‘ in any real danger ; consequently I must conclude,  
 ‘ that it was altogether unnecessary for us to enter  
 ‘ into any such treaty, as that now before us, or to  
 ‘ promise any such subsidy, as is by that treaty sti-  
 ‘ pulated ; and therefore, as one of the representa-  
 ‘ tives of the people, as one of those, to whom they  
 ‘ have intrusted the management and the laying out  
 ‘ of their money, in the most frugal manner, I can-  
 ‘ not agree to put them to such an unnecessary ex-  
 ‘ pence, as what is now proposed.’

It was replied in substance as follows, *viz.*

Reply.

‘ Sir, I shall readily agree with the honourable  
 ‘ gentlemen, that it will be quite unnecessary for us  
 ‘ to engage in the war, till one of the parties now  
 ‘ engaged begins to push their conquests so far, as to  
 ‘ bring the balance of power into danger ; but I cannot  
 ‘ admit, that, till that event happens, it will be quite  
 ‘ unnecessary to put ourselves to any expence : On the  
 ‘ contrary it would, in my opinion, be very impru-  
 ‘ dent in us, not to prepare for such an event, when  
 ‘ every one must see that it may probably happen ;  
 ‘ and we can make no preparations without putting  
 ‘ ourselves to some expence. If we should be al-  
 ‘ together unprepared when that event happens, the  
 ‘ prevailing power might push their conquests so  
 ‘ far, before we could make sufficient preparations  
 ‘ for putting a stop to them, that it might be out of  
 ‘ our power, with the greatest preparations we could  
 ‘ make, to prescribe bounds to their future designs,

or

‘ or to oblige them to restore any of their conquests:  
 ‘ Whereas by providing in time, we shall not on-  
 ‘ ly be able to say to them whenever we have a  
 ‘ mind, Hitherto we have allowed you to come,  
 ‘ you shall go no farther; but we may very pro-  
 ‘ bably prevent any such event’s ever happening;  
 ‘ because the successful being sensible of our readiness  
 ‘ to give them a check, they will of course limit  
 ‘ their views, and not push their conquests so far as  
 ‘ to bring the balance of power into any danger.

‘ The only two ways of providing, either for  
 ‘ our own defence, or for the preservation of the ba-  
 ‘ lance of power, in case it should be brought into  
 ‘ danger, is by increasing our forces by sea and land  
 ‘ at home, or by concluding treaties and forming al-  
 ‘ liances with neighbouring states; and this last is  
 ‘ the most necessary, and ought to be first underta-  
 ‘ ken; because without previous alliances, we can-  
 ‘ not have the assistance of our neighbours as soon  
 ‘ as we stand in need of them; and if we do not  
 ‘ take care in time to engage them in our interest,  
 ‘ they may happen to be prevailed on to engage with  
 ‘ our enemies, or with those who may soon after come  
 ‘ to be our enemies. This is our very case at pre-  
 ‘ sent, and was more particularly our case with re-  
 ‘ spect to *Denmark*; for however much it may be  
 ‘ their interest, to join with all their force in prefer-  
 ‘ ving a balance of power in *Europe*, yet if we  
 ‘ had not concluded this treaty with them, it was  
 ‘ very probable they would have been drawn into  
 ‘ engagements, which might soon have come to  
 ‘ have been inconsistent with the liberties of *Eu-  
 ‘ rope*; and if they had been once drawn into  
 ‘ such engagements, it would not have been so ea-  
 ‘ sy a matter to get them disengaged, and much  
 ‘ less to prevail with them to act contrary to those  
 ‘ engagements.

‘ It is true, Sir, all the Princes and States in *Eu-  
 ‘ rope* are as much interested in the preservation of  
 ‘ the

‘ the balance of power, as we are; but if some of  
‘ the Princes of *Europe*, from private views of their  
‘ own, should be drawn in to assist in overturn-  
‘ ing that balance, or if some of them, from fear,  
‘ or from other motives, should resolve upon a neu-  
‘ trality, or should continue inactive and indolent,  
‘ when the liberties of *Europe* are in the utmost dan-  
‘ ger, are we to do the same? Or if, by laying out  
‘ a little money, we could prevent their entering  
‘ into any such engagements; if, by granting  
‘ them a few small subsidies, we could rouse them  
‘ from their indolence, and render them active and  
‘ resolute in the preservation of our common liber-  
‘ ties, would it be prudent in us to act a penurious  
‘ part upon such an occasion; and by refusing to  
‘ give a part of what we have, expose ourselves  
‘ and all we are worth in the world, to inevitable  
‘ ruin? Such an unseasonable parsimony, I hope,  
‘ no gentleman will contend for; and therefore it  
‘ must be granted, that when the liberties of *Eu-  
‘ rope* are in danger, or are like to be in danger, we  
‘ must endeavour to unite the Princes and States of  
‘ *Europe* in their common defence; and if this union  
‘ cannot be effectuated, without our giving some  
‘ bribes or pensions, it must be done; for of two  
‘ evils the least is always to be chosen. The ex-  
‘ pence we are to be at, by the treaty now before  
‘ us, is, it is true, an evil; but every man must  
‘ grant, that it would have been a much greater  
‘ evil to have had *Denmark* engaged against us, in  
‘ case we should hereafter find it necessary to take a  
‘ share in the war: This I am so fully convinced of,  
‘ that I believe, if the case should have happened,  
‘ the neglecting of *Denmark* upon such an occasion,  
‘ the not making such a treaty as that now before  
‘ us, would have been highly exclaimed against,  
‘ and would have been reckoned an unpardonable  
‘ blunder. For this reason, I cannot but approve  
‘ of

‘ of the treaty, and therefore I cannot but agree to  
‘ the motion.’

To this it was added, by the Master of the Rolls, and *John Howe*, Esq; who were for agreeing to the motion, ‘ That they approved of the treaty as little  
‘ as any gentlemen did : That tho’ they thought it  
‘ was altogether unnecessary to put the nation to  
‘ such an expence, till the danger became more ap-  
‘ parent; yet as it was the first treaty his Majesty had  
‘ concluded upon the present emergency, they would  
‘ agree to the motion ; because if that house should  
‘ disagree with what his Majesty had done with re-  
‘ spect to that treaty, it might be, at such a con-  
‘ juncture, of the most dangerous consequence to the  
‘ liberties of *Europe* ; by encouraging the ambitious  
‘ views, which some of the parties engaged in  
‘ war may now have, or hereafter form to them-  
‘ selves ; and by discouraging any of the Princes or  
‘ States of *Europe* from entering into, or concluding  
‘ any treaties with his Majesty, even tho’ the circum-  
‘ stances of *Europe* should then absolutely require  
‘ such treaties to be concluded.’

The question being at last put for agreeing with Question.  
the motion, it was, upon a division, carried in the  
affirmative, by 270 to 178.

The chief Speakers in favour of this motion were, Speakers.  
*Sir Robert Walpole*, *Sir William Yonge*, *Horatio Wal-*  
*pole*, Esq; *Thomas Winnington*, Esq; *Colonel Bla-*  
*den*, and *Mr. Attorney General*, &c. and the chief  
Speakers against it were, *Sir William Wyndham*,  
*William Pulteney*, Esq; *Sir John Barnard*, *Samuel*  
*Sandys*, Esq; *William Shippen*, Esq; and *Sir John*  
*Hynd Cotton*, &c.

ON Friday the 7th day of March, *Thomas*  
*Bramsten*, Esq; moved the House of Commons Order rela-  
ting to elec-  
tions moved  
as for.



as follows, *viz.* ‘ That the clause of an act made  
 ‘ the second year of his present Majesty’s reign,  
 ‘ intitled, *An Act for the more effectual preventing*  
 ‘ *bribery and corruption in the election of members to*  
 ‘ *serve in Parliament* ; which relates to the last  
 ‘ determination in the House of Commons, concern-  
 ‘ ing votes for members to serve in Parliament for  
 ‘ any county, shire, city, borough, cinque-port,  
 ‘ or place ; with the clause relating to the oath to be  
 ‘ taken by returning officers, should be read ;’ and  
 the same having been read accordingly, he then  
 moved as follows, *viz.* ‘ That the counsel, at the  
 ‘ bar of this house, or before the committee of pri-  
 ‘ vileges and elections, be restrained from offering  
 ‘ evidence, touching the right of election of mem-  
 ‘ bers to serve in Parliament, for any city, bo-  
 ‘ rough or place, contrary to the last determina-  
 ‘ tion in the House of Commons ; which determi-  
 ‘ nation, by an act passed in the second year of  
 ‘ his present Majesty’s reign, intitled, *An Act for*  
 ‘ *the more effectual preventing bribery and corruption*  
 ‘ *in the election of members to serve in Parliament*,  
 ‘ is made final to all intents and purposes what-  
 ‘ soever, any usage to the contrary notwithstanding.  
 ‘ ing.

This motion occasion’d some debate, of which I  
 shall give the substance as follows, *viz.*

Argument  
 for the mo-  
 tion.

‘ By the clause of the act now read to you, Sir, it  
 ‘ appears, that the last determination of the House  
 ‘ of Commons, with regard to the right of voting  
 ‘ at any election, is declared to be final to all in-  
 ‘ tents and purposes whatsoever, any usage to the  
 ‘ contrary notwithstanding ; so that in all future dis-  
 ‘ putes about any election for the same place, the last  
 ‘ determination of the House of Commons is the rule  
 ‘ by which the right of voting is to be determined,  
 ‘ and against which no arguments, nor any proof can  
 ‘ be

' be admitted: This I take to be now the law of  
' the land, and consequently is binding as well upon  
' this house, as upon every gentleman who has been  
' since that act, or may hereafter be concerned in any  
' election.

' At all times, Sir, and particularly in such a  
' dangerous conjuncture as the present, it is incum-  
' bent upon us to establish, as generally as possible,  
' among the people, a good opinion of the impar-  
' tiality, integrity, and justice of this house, in all  
' our resolutions, and in all our proceedings. With  
' respect to state affairs, especially such as relate to  
' foreign transactions, the facts are not publicly  
' known; nor can the motives or arguments for or  
' against any question relating to them be under-  
' stood by the vulgar; and therefore in such que-  
' stions, it is not easy for the people in general to  
' comprehend the debates; nor would it be possible  
' for them to discover the injustice or the partiality  
' of our proceedings, were it possible for this house  
' to be guilty of any such; but in all our proceed-  
' ings relating to elections, the people in general, or  
' at least those who live in the neighbourhood of  
' the place, where any dispute happens about an  
' election, know every circumstance, and are as ca-  
' pable to judge of the motives or arguments, for or  
' against most of the questions that occur upon such  
' occasions, as any member of this house: And when  
' the people observe a variety and contradiction in  
' our determinations relating to such affairs; when  
' they observe the right of voting at an election gi-  
' ven by this house to one sort of people, and in the  
' very next session perhaps, that right determined  
' by this house to be in a quite different sort of peo-  
' ple; they must conclude, that the determinations  
' of this house, in relation to that affair, did not  
' proceed from justice and impartiality, but from  
' private interest, or from party-zeal. This is the  
' conclusion they must necessarily form with respect  
' to

‘ to those affairs they know, and can judge of ; and  
‘ the misfortune is, that they, from thence, naturally  
‘ conclude, that our proceedings are governed by the  
‘ same motives, in those affairs which they do not  
‘ know, nor can judge of.

‘ To prevent an effect so dangerous to our con-  
‘ stitution, was, I believe, Sir, one of the chief mo-  
‘ tives for inserting the clause now read to you, in  
‘ that act of Parliament ; and care has been taken to  
‘ express it in terms so strong and explicit, that it  
‘ cannot, in my opinion, be evaded by any artifice  
‘ or subterfuge. It is now the law of the land ; a  
‘ law so reasonable, that I hope it will never be al-  
‘ tered or repealed ; and a law so plain, that I can  
‘ make no doubt, but that the last determination of  
‘ the House of Commons, will, for the future, be  
‘ in all such cases, an infallible rule, a rule from  
‘ which we cannot depart. However, Sir, as some  
‘ gentlemen are not sufficiently apprised of this law,  
‘ or may entertain hopes that this house will not,  
‘ in their future determinations, strictly adhere to  
‘ it, they may therefore put themselves to great  
‘ expence in bringing up witnesses, and may take  
‘ up a great deal of your time with arguments, to  
‘ shew that the right of voting at any election now  
‘ disputed, is not in those people, or in those peo-  
‘ ple only, in whom it was declared to be by the  
‘ last determination of this house ; which will be a  
‘ putting themselves to great expence, and taking up  
‘ the time of this house to no purpose ; since the last  
‘ determination of the House of Commons is now  
‘ by law established as a rule, from which we cannot  
‘ depart, notwithstanding the clearest proof of any  
‘ usage to the contrary.

‘ As we ought, Sir, to prevent gentlemen’s put-  
‘ ting themselves to any needless expence ; as we  
‘ ought to prevent their attempting to take up the  
‘ time of this house to no purpose ; therefore I think  
‘ this

‘ this law ought to be some way revived, not only  
 ‘ to put gentlemen in mind of it, but to shew them  
 ‘ that we are resolved to adhere to it in the strictest  
 ‘ manner; and, as the only proper way for us to re-  
 ‘ vive any law, is, by coming to some new resolu-  
 ‘ tion in relation to it, therefore I hope the house will  
 ‘ agree to the motion I am to make, which is,  
 ‘ That it may be ordered, that the counsel at the  
 ‘ bar, &c. (as above.)

To this it was answered thus, *viz.*

‘ Sir, I must own, I have not lately considered Answer,  
 ‘ the clause now read to you, and therefore am  
 ‘ not prepared now to speak to it, or to give my  
 ‘ opinion for or against the motion which the ho-  
 ‘ nourable gentleman has been pleased to make; but,  
 ‘ upon the first view, I take the motion to be of  
 ‘ the utmost consequence; because I look upon it as  
 ‘ an attack, or rather a restraint, designed to be put  
 ‘ upon the power and jurisdiction of this house, in  
 ‘ the most material point, which is, that of deter-  
 ‘ mining finally all questions relating to electing  
 ‘ the members of our own house. I really never  
 ‘ imagined, nor could indeed have believed, that the  
 ‘ intention of that act, or of any clause in it, was to  
 ‘ limit or restrain the House of Commons, with re-  
 ‘ spect to their determinations in matters of election;  
 ‘ for in all such determinations, I think, we ought  
 ‘ not to be under any limitation, nor confined by  
 ‘ any rule; and if there had been any such inten-  
 ‘ tion, I believe this house would never have agreed  
 ‘ to the bill, or at least to that clause by which  
 ‘ any such restraint was intended to be laid upon the  
 ‘ house.

‘ It is for this reason, Sir, that I have always  
 ‘ imagined, and still think, that the clause now read  
 ‘ to you relates only to sheriffs, and other returning-  
 ‘ officers; and was designed as a direction to them,

‘ what sort of persons they were to admit to vote or  
 ‘ poll at any election ; with respect to which they  
 ‘ were, by this clause, obliged to take the last de-  
 ‘ termination of the House of Commons, as a rule to  
 ‘ be inviolably observed by them at all succeeding  
 ‘ elections. This, Sir, I must still think, accord-  
 ‘ ing to the view I have of it at present, is all that is  
 ‘ designed by the clause ; for it is certain, that if  
 ‘ in all future disputed elections, we were to take the  
 ‘ last determination of this house as an infallible rule  
 ‘ for our conduct, a very great injury would thereby  
 ‘ be done to a great many cities and boroughs in  
 ‘ *England* ; and I cannot imagine that it was ever the  
 ‘ original intention of any act of Parliament, to do  
 ‘ an injury to any one, much less to great numbers  
 ‘ of his Majesty’s subjects.

‘ However, Sir, as I have not lately read or  
 ‘ considered the act, I will not now pretend to  
 ‘ be positive in my opinion, and therefore I hope  
 ‘ the honourable gentlemen will agree, to put off  
 ‘ the consideration of this motion to some short  
 ‘ day ; to *Monday* next if they please ; that other  
 ‘ gentlemen, as well as myself, may have time to  
 ‘ consider it, before we are obliged to give our opi-  
 ‘ nion in a case, which is certainly of very great con-  
 ‘ sequence.’

It was replied as follows, *viz.*

Reply.

‘ Sir, as I had the honour to be a member of this  
 ‘ house, when that act had the good fortune to pass,  
 ‘ I well remember the history of this very clause.  
 ‘ This clause was not originally in the bill, but was  
 ‘ put into the bill by the other house, and was put  
 ‘ in, I believe, with a view to prevent the passing  
 ‘ of the bill ; or at least, that this was the intention  
 ‘ of those who first contrived and inserted this clause :  
 ‘ For they imagined, that this house would never  
 ‘ agree to such an amendment ; but when the bill  
 ‘ came



‘ came back to this house, the gentlemen who pro-  
‘ moted the bill were so justly fond of it, that they  
‘ chose to agree to all the amendments made by the  
‘ other house, and this among the rest, rather than  
‘ lose so good a bill. Indeed, as to this clause, they  
‘ had another, and a very good reason for agreeing  
‘ to it ; for though it did lay some restraint upon the  
‘ jurisdiction of this house, in matters of election,  
‘ yet the majority of the house then thought it a rea-  
‘ sonable restraint, and even a necessary restraint, in  
‘ order to prevent, in time to come, that variety  
‘ and frequent contradiction in our determinations,  
‘ with respect to elections, which had in time past  
‘ greatly contributed, to the giving the generality of  
‘ the people a contemptible opinion of all the pro-  
‘ ceedings of this house.

‘ The clause now read to you, Sir, is so full, and  
‘ conceived in terms so plain and easy to be under-  
‘ stood, that I am surpris’d to hear any gentleman  
‘ desire one hour to consider it, before he agrees to  
‘ the motion now made to you ; but I am still more  
‘ surpris’d to hear any gentleman, especially a gen-  
‘ tleman who has often attended the committee of  
‘ elections, say, he imagined this clause was intend-  
‘ ed only as a direction to the sheriffs and other re-  
‘ turning officers, with respect to what sort of peo-  
‘ ple they were to admit to vote or poll at any elec-  
‘ tion. This, Sir, I am surpris’d to hear said by  
‘ any gentleman who has ever attended the commit-  
‘ tee of elections ; because this very direction was gi-  
‘ ven by act of Parliament many years ago, to all  
‘ sheriffs and returning officers : So long ago as, since,  
‘ I believe, the 8th year of King *William’s* reign,  
‘ all sheriffs and returning officers have been prohi-  
‘ bited, by an act then made, to return any mem-  
‘ ber to serve in Parliament, contrary to the last de-  
‘ termination in the House of Commons, as to the  
‘ right of election for such place ; and therefore it  
‘ would have been quite unnecessary, it would have

' been ridiculous to have inserted in a late act, such  
 ' a clause as that now before us, if no more had been  
 ' intended by it, than to give the same directions to  
 ' sheriffs, and other returning-officers, which were  
 ' given to them by a former act then in full force:  
 ' But, without any such consideration, the clause be-  
 ' fore us is in itself so clearly expressed, that it is  
 ' impossible to mistake its meaning; and as the hon.  
 ' gentleman intends nothing by his motion, but to  
 ' prevent gentlemen's putting themselves to a need-  
 ' less expence, and giving this house an unnecessa-  
 ' ry trouble, I can see no reason why we should  
 ' make any difficulty in agreeing to what he has pro-  
 ' posed.

' Can gentlemen be serious, Sir, when they say,  
 ' that this house is not to be confined by any rules;  
 ' that we ought not to be under any limitation or  
 ' restraint, with respect to our determinations about  
 ' the election of our own members; and that this  
 ' house would never have agreed to the clause, if  
 ' any such thing had been intended. Our determi-  
 ' nations in such cases are, 'tis true, supreme and  
 ' final; but surely, Sir, even in such cases, we are  
 ' limited and confined by the rules of natural justice  
 ' and equity, and likewise by the ancient customs  
 ' and the laws of the kingdom. Let a court of ju-  
 ' dicature be as absolute and supreme as can be ima-  
 ' gined, yet I should have a very bad opinion of  
 ' the judges of that court, if they confined them-  
 ' selves to no rules, nor even to those laws they  
 ' themselves had before made for their future con-  
 ' duct. I do not know, but some of the cities and  
 ' boroughs of *England* may have been injured, by  
 ' the last determination of this house; and if there  
 ' were any such, we must grant, it was a hardship  
 ' upon them, to make that injurious determination  
 ' absolute and final, as to them, in all time to come;  
 ' but if they were any such injurious determinations  
 ' made by this house, it was necessary, by a law, to  
 ' put

‘ put a stop to them ; and the more there were of  
 ‘ them, the more necessary it was to make such a  
 ‘ law, in order to prevent any such in time to come.  
 ‘ The hardship is already put upon them ; the law  
 ‘ is already passed ; it is now one of the established  
 ‘ laws of the kingdom, and cannot therefore be al-  
 ‘ tered or amended, by any resolution or determina-  
 ‘ tion of this house : It is not the first time that a  
 ‘ hardship has been put upon particular men, for  
 ‘ the good of the society in general ; but in this  
 ‘ case, if any city or borough has been injured, by  
 ‘ the last determination of the House of Commons,  
 ‘ and that injury fixed upon them by the law now  
 ‘ under our consideration, they may apply to Par-  
 ‘ liament for relief, and will certainly obtain an  
 ‘ act of Parliament for that purpose, which is the  
 ‘ only method by which they can now be relieved ;  
 ‘ so that the hardship that has been put upon them,  
 ‘ can be of no weight ; it cannot indeed so much  
 ‘ as come under our consideration in the present  
 ‘ question.

‘ However, Sir, though I do not think it at all  
 ‘ necessary to take a day to consider of the present  
 ‘ motion, yet I shall not be against it ; because I  
 ‘ wish it were made a standing order of this house,  
 ‘ that no motion should be taken into consideration,  
 ‘ or agreed to, the same day it is made : For this  
 ‘ reason I shall not be against adjourning the debate  
 ‘ till *Monday*, according to the hon. gentlemen’s de-  
 ‘ sire ; and I agree to it the rather, because, I hope,  
 ‘ when the motion has been fully and maturely con-  
 ‘ sidered, it will be unanimously agreed to : But, on  
 ‘ other occasions, I hope those gentlemen will shew  
 ‘ the same complaisance to others, and will not insist,  
 ‘ that any motion they may hereafter think fit to  
 ‘ make, shall be immediately taken into considera-  
 ‘ tion ; for if this should be made a rule for one side,  
 ‘ and not for the other, it would be as partial a me-  
 ‘ thod

‘ thod of proceeding as was ever practised by former Parliaments, in their determinations about elections.

Motion amended and agreed.

Accordingly it was order’d, that the farther consideration of that question should be adjourned to *Monday* morning next, when the motion was amended thus: ‘ That the counsel, at the bar of this house, or before the committee of privileges and elections, be restrained from offering evidence, touching the legality of votes for members to serve in Parliament, for any county, shire, city, borough, cinqueport or place, contrary to the last determination in the House of Commons: Which determination, by an act passed in the second year of his present Majesty’s reign, intitled, *An act for the more effectual preventing bribery and corruption, in the election of members to serve in Parliament*, is made final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.’ And then it was agreed to without any farther debate.

Speakers.

The principal speakers upon this occasion were; For the motion, *Thomas Bramston*, Esq; *Samuel Sandys*, Esq; *Walter Plummer*, Esq; and the Master of the Rolls. For delaying the motion, *Horace Walpole*, Esq; *Henry Pelham*, Esq; and Sir *William Yonge*.

Motion for instructions in the House of Lords.

ON *Thursday* the 6th of *March*, a motion was made in the House of Lords, ‘ That an humble address should be presented to his Majesty, that he would be graciously pleased to give direction, that the several instructions to Mr. *Woodward*, his Majesty’s minister in *Poland*, in the year 1729, should be laid before the House.’

The argument for it was to this effect, viz.

‘ My



‘ My Lords, as we are, many of us, by our birth, and all of us, by those honours which our Kings have conferred upon us or our ancestors, not only intitled, but obliged to give his Majesty our best and most sincere advice, in all arduous affairs ; one of the chief ends of our meeting in this house, is to consider the state of the nation, both with respect to foreign and domestic affairs, in order to give our King, upon every considerable emergency, that counsel which we think may tend most to his glory and the interest of the nation ; for which end it is necessary for us to have all those treaties, negotiations, and other papers laid before us, which may be necessary for our information in any affair, in which it may be incumbent on us to give our advice ; and, for this reason, it has always been the custom and the right of this house, to call for all such papers, and to consider them deliberately, before we ever offered to give our advice to the crown.

Argument  
for it.

‘ ‘ I believe, my Lords, it will be granted, that with respect to our foreign affairs, there never was a more critical conjuncture than the present ; there never was a conjuncture when it was more necessary for us to consider the state we are in, or more incumbent upon us to offer our best and our sincerest advice to our Sovereign ; nor was there ever a conjuncture, when the King could stand more in need of honest and upright counsel : The eyes of all *Europe* are now fixed upon the behaviour of *Great-Britain* ; and by our behaviour in the present conjuncture, both the honour and interest of the nation, nay even the liberties of *Europe*, may be either sacrificed or preserved. In such a conjuncture, can we perform our duty to our country or our King ; can we answer one of the chief ends of our meeting in this house ; without examining into the state of our foreign affairs, and offering our most deliberate advice to our Sovereign ? Upon



‘ such an occasion, we are not to wait till his Ma-  
 ‘ jesty shall be prompted, by those about him, to  
 ‘ ask our advice; because, if by them he has been  
 ‘ misled in any former steps, we may depend on it,  
 ‘ they will endeavour, as much as they can, to di-  
 ‘ vert his Majesty from applying to Parliament for  
 ‘ counsel, when they are certain, that by such an  
 ‘ application their conduct would come to be exa-  
 ‘ mined into, and highly censured: No, my Lords,  
 ‘ this house is his Majesty’s highest and most natu-  
 ‘ ral council; we are in duty bound to give him our  
 ‘ advice upon every important emergency; and, up-  
 ‘ on an emergency of such importance as the pre-  
 ‘ sent, his Majesty’s having made no application to  
 ‘ this house for advice, is, with me, a strong argu-  
 ‘ ment, that he has been misled, in some late mea-  
 ‘ sures, by those about him; and that, by them, he is  
 ‘ diverted from applying where he is always sure  
 ‘ to meet with honest and upright counsel; and  
 ‘ therefore I must think, we have the greater reason  
 ‘ to inquire into the present state of our affairs, and  
 ‘ offer that advice which shall appear the most con-  
 ‘ sonant to our present circumstances.

‘ This consideration, my Lords, makes it the  
 ‘ more necessary for us speedily to offer his Majesty  
 ‘ our advice, upon the present posture of affairs in  
 ‘ *Europe*; and, as in this we cannot pretend to give  
 ‘ any advice, without being fully informed as to the  
 ‘ sources and causes of the present war; it is there-  
 ‘ fore absolutely necessary to have laid before us, all  
 ‘ the papers relating to our late foreign transactions.  
 ‘ Among the many foreign transactions we have  
 ‘ been lately engaged in, those relating to *Poland*  
 ‘ are, at present, the most necessary for us to inquire  
 ‘ into; because the late transactions in that kingdom  
 ‘ are said to have been the sole cause of the present  
 ‘ war; therefore it is impossible for us to give any  
 ‘ advice, about the present posture of affairs in *Eu-  
 ‘ rope*, without examining whether we had any, and  
 ‘ what

‘ what share in those transactions; and, as in the  
 ‘ year 1729, the late King of *Poland* was dange-  
 ‘ rously ill of the distemper, of which he afterwards  
 ‘ died; as every one even then judged his life could  
 ‘ not be of any long continuance; and as every one  
 ‘ likewise judged, that his death might very proba-  
 ‘ bly produce a combustion in *Europe*; it it very  
 ‘ reasonable to suppose, that measures for the elec-  
 ‘ tion of a future King were then begun to be con-  
 ‘ sulted: therefore I think we ought to know, whe-  
 ‘ ther we had any share in those measures, before we  
 ‘ offer any advice to his Majesty, upon the present  
 ‘ posture of affairs; for which reason I shall beg  
 ‘ leave to make as modest a demand as can well  
 ‘ be made in the present conjuncture, which is,  
 ‘ That an humble address, &c.’ (as before men-  
 ‘ tioned.)

To this it was answered in substance as follows,  
*viz.*

‘ My Lords, I shall agree with the noble Lord, Answer.  
 ‘ that this house has a right to call for any papers  
 ‘ that may be necessary for our information, with  
 ‘ respect to any affair we are, or ought, to inquire  
 ‘ into; but, to the honour of this house, my Lords,  
 ‘ I must add, that that right has been always hi-  
 ‘ therto used with great prudence and caution: we  
 ‘ have never yet called for any papers, by which  
 ‘ the secrets of the government might be any way  
 ‘ divulged, or the affairs of the nation brought into  
 ‘ any distress.

‘ Upon the present occasion, my Lords, if his  
 ‘ Majesty had found it necessary to apply to this  
 ‘ house for advice, he would certainly have done so;  
 ‘ and he has too much penetration, to allow himself  
 ‘ to be diverted by those about him, from doing  
 ‘ what may be necessary upon any emergency, either  
 ‘ for his own glory, or the interest of his people:  
 ‘ But

‘ But from what his Majesty has told us from the  
‘ throne, we may easily see the reason why he has  
‘ not as yet made any such application: His Ma-  
‘ jesty has told us, that he was no way engaged in  
‘ any of those measures which gave occasion to the  
‘ present war; and consequently he can have no  
‘ manner of concern in it, unless some of the parties  
‘ engaged should begin to push their conquests, or  
‘ their views, farther than is consistent with the pre-  
‘ servation of the balance of power in *Europe*:  
‘ Whenever this happens, it will become necessary  
‘ for this nation to interfere; and in any such event,  
‘ we need not doubt but his Majesty will take all  
‘ proper methods to have the best advice; but as  
‘ any such event must necessarily involve this nation  
‘ in great danger and great expence, therefore his  
‘ Majesty is now pursuing that which will redound  
‘ most to his own glory, and to the safety and ad-  
‘ vantage of the nation; he is endeavouring to put  
‘ an end to the war by a solid and lasting peace: and  
‘ as he is now acting the part of a mediator, between  
‘ the two contending parties; as he has already of-  
‘ fered to them a plan of an accommodation; it is  
‘ necessary for him to keep in as good terms as pos-  
‘ sible with all the parties engaged, till he shall see  
‘ what may be the event of that plan.

‘ Though I do not know, my Lords, nor do be-  
‘ lieve, that any of the powers now engaged in war,  
‘ can have just reason to be displeased with the part  
‘ this nation acted, with respect to the affairs in  
‘ *Poland* in the year 1729; yet if all the instructions  
‘ and letters sent to our minister in *Poland* at that  
‘ time, and all his letters from thence, should be made  
‘ public, I do not know but some one or other of  
‘ the powers now engaged in war, may find fault  
‘ with some of them; which would, of course, very  
‘ much embarrass his Majesty’s negotiations, for re-  
‘ storing the peace of *Europe*, and, thereby, prevent-  
‘ ing this nation’s being involved in a dangerous and  
‘ expensive

expensive war; if not render them altogether ineffectual. I hope the instructions and the letters now moved for, were as wisely drawn up, and as cautiously worded, as it was at that time possible; but it was impossible to foresee all the various events which have since happened; and had these instructions been drawn up, by the wisest ministers that ever were in this nation, or in any nation, it is not to be supposed, but that there may be some expressions in them, which may disoblige some of the contending powers; or may, at least, render some of them jealous and suspicious of his Majesty's impartiality at present; which, of consequence may very probably disappoint those measures his Majesty has now concerted for restoring the tranquillity, and preserving the balance of power in *Europe*.

With regard, my Lords, to the transactions in *Poland* in the year 1729, we must suppose that our minister had instructions to favour the party for *Stanislaus*, or the party for the then electoral Prince of *Saxony*, or that his instructions were to favour neither of the parties that then began to appear in *Poland*; but to watch the motions and measures of each of them, without declaring on one side or the other. If his instructions were to favour the party for *Stanislaus*, the publishing of them would then certainly disoblige all those who are now engaged to support the election of the present elector of *Saxony*; and if his instructions were to favour the then electoral Prince, now elector of *Saxony*, the publishing of them would, in the present conjuncture, as certainly disoblige all those, who are now engaged to support the election of *Stanislaus*: In either of which cases, a jealousy would be raised against his Majesty, which would probably disappoint the plan lately concerted for an accommodation.

But, my Lords, suppose that the instructions given to our minister then in *Poland*, were to act an exact neutral part; yet we cannot well suppose them



‘ them so cautiously penned, but that one side or  
‘ other may take exceptions to them ; which would  
‘ diminish, in some one or other of the parties now  
‘ engaged in war, that confidence which they at  
‘ present repose in his Majesty, and which it is ne-  
‘ cessary to keep up, in order to render his Majesty’s  
‘ mediation successful: And if we could suppose them  
‘ so cautiously penned, as not to give the least of-  
‘ fence ; upon such a supposition it must be granted,  
‘ that we can expect no information from them, in  
‘ relation to the present war : we cannot from thence  
‘ discover, what were the springs and the causes of  
‘ the war, which may be very different from those  
‘ publicly assigned ; and, if the whole truth were  
‘ known, I am apt to believe it would appear, that  
‘ the late transactions in *Poland*, were none of the  
‘ causes of the present war, or, at least, that they  
‘ contributed but a very little towards it, by being a  
‘ sort of cloak for covering those designs, which  
‘ were the real motives of the war. Thus, my  
‘ Lords, the making public those instructions and  
‘ papers which are now called for, must be of great  
‘ prejudice to his Majesty’s affairs, in every suppos-  
‘ able case but one ; and in that one case they can  
‘ be of no service, nor afford any lights to this house,  
‘ with respect to what your Lordships desire to be  
‘ informed about : for this reason, I think it is not  
‘ only quite unnecessary, but very improper, to  
‘ present to his Majesty any such address as has been  
‘ proposed ; because, though the particular transac-  
‘ tions then carried on in *Poland*, are now at an end,  
‘ yet the consequences of them are so far from being  
‘ at an end, that they are now pretended to be the  
‘ cause, and the chief motive for entering into the  
‘ present war against the Emperor ; and therefore I  
‘ shall be against calling for, or publishing any pa-  
‘ pers, which may, in the least, relate to those transac-  
‘ tions and negotiations now upon the anvil in *Europe*.’

The reply was to the following effect, *viz.*

‘ My



‘ My Lords, there is no Lord in this house, nor <sup>Reply.</sup>  
‘ any man in the kingdom, who has a greater re-  
‘ gard for his Majesty, or a better opinion of his  
‘ Majesty’s wisdom and penetration than I have ;  
‘ but my duty to his Majesty, as a member of this  
‘ house, obliges me to offer my best and most sin-  
‘ cere advice in every affair, which I look upon as  
‘ an affair of importance ; and my duty to my King,  
‘ as well as my own honour, forbid me to offer my  
‘ advice in any affair, till I have that information  
‘ which I think necessary for that purpose. It has  
‘ been so often said in this house, that I am ashamed  
‘ to repeat it ; but upon this occasion I must again  
‘ take notice, that speeches from the throne are, in  
‘ this house, always considered as speeches from the  
‘ ministers for the time being ; and therefore we are  
‘ never to be confined or restrained in our debates,  
‘ by any thing that has been said to us from the  
‘ throne : Whether we have any concern in the pre-  
‘ sent war, or whether we were any way engaged in  
‘ those measures which gave occasion to the present  
‘ war, is, for this reason, a question, that no Lord,  
‘ as a member of this house, can be as yet satisfied  
‘ about ; because we have as yet made no inquiry  
‘ into it, nor can make an inquiry till a great many  
‘ papers, particularly those now called for, are laid  
‘ before us.

‘ As for the plan for an accommodation, which  
‘ it is said has been offered to the parties now engag-  
‘ ed in war, I must declare, my Lords, I know  
‘ nothing about it ; and every one of your Lord-  
‘ ships, when you speak as members of this house,  
‘ must declare the same, because it has never yet  
‘ been communicated to the house ; and therefore  
‘ I cannot well say any thing about it, nor can I  
‘ know what may be prejudicial or advantageous to  
‘ it. I do not know, my Lords, what sort of plan  
‘ it is ; but if it be such a plan, or any thing like  
‘ the

‘ the plan that has been published in the *Dutch Ga-*  
‘ *zettes*, we have no great reason for being fearful of  
‘ doing any thing that may prevent its being effec-  
‘ tual; for I am convinced it will never produce  
‘ an accommodation, it can never have any effect,  
‘ unless it be to engage this nation in the war, whe-  
‘ ther it be our interest or inclination so to do or  
‘ not.

‘ It is impossible, my Lords, that any war can  
‘ break out in *Europe* in which this nation has no  
‘ concern: If we have no particular obligation up-  
‘ on us, if we have no particular interest to engage  
‘ us to take a share in the war, yet we ought to  
‘ take every such opportunity to settle the disputes  
‘ we may have with either of the parties, or to ob-  
‘ tain advantages in our trade from every one, or  
‘ at least from some of the parties engaged in war;  
‘ and it would be a very high misdemeanor in those  
‘ who are, or at any such time may be, at the head  
‘ of our affairs, to neglect or let slip any such op-  
‘ portunity. The balance of power, my Lords,  
‘ is what we ought always to have an eye to, but I  
‘ cannot think it is at present, or is like to be, in any  
‘ great danger; and the advantage of our situation  
‘ is such, that we may always be, and therefore we  
‘ ought always to be, among the last Princes and  
‘ States in *Europe*, to give ourselves much trouble  
‘ about it, or to engage in its preservation; for if  
‘ we do not give ourselves an unnecessary trouble  
‘ about it, the Princes and States upon the continent  
‘ will take care of it among themselves; and if,  
‘ in any case of extremity, we find ourselves at last  
‘ obliged to engage, we ought to take that oppor-  
‘ tunity to settle all disputes we may have, and to  
‘ reap all the advantages in trade we may expect  
‘ from any of those, in favour of whom we engage;  
‘ and when by our means the balance of power is to  
‘ be re-established, and peace to be restored, we  
‘ have

‘ have then an opportunity of settling all former disputes with the parties against whom we engage, and of obtaining new advantages from them. This, my Lords, ought to be the fundamental maxim of all our negotiations and engagements; but I am afraid we have for some years had our heads so full of the balance of power being in danger, and have been so ready upon all occasions to frighten ourselves with that phantom, that we have not only neglected, but have, upon all occasions, sacrificed the particular interests of this country, to our imaginary apprehensions about the general interest of *Europe*. There was never a better opportunity than the present, for settling all the disputes this nation may have with either of the parties engaged in war; there was never a better opportunity, for this nation’s acquiring new advantages in trade from every one of them; and I hope it will not be neglected; for I shall have a poor opinion of our negotiators, if a peace be restored without obtaining some considerable advantages for this nation.

‘ With regard, my Lords, to the instructions sent to our minister in *Poland* in the year 1729, I shall not pretend, so much as to guess at what they were; but it was certainly the interest of this nation not to intermeddle, either in favour of the party for *Stanislaus*, or in favour of the party for the electoral Prince of *Saxony*: It was our business, and would have been our glory, to protect that republic in her freedom of choice; and the proper instructions to be sent to our minister on that occasion, were only to endeavour to sound the views and inclinations of the leading men of that nation, in order to take our measures accordingly, when the throne should become vacant by the death of the then King of *Poland*; and that we might in time prepare, to make the best of what was most likely to be the consequence of that important event. If  
‘ these

‘ these were the instructions sent, no power in *Europe* can have any just ground to complain of our conduct; and if any of them should make any unjust and frivolous complaints, or conceive any groundless suspicions, they are not to be regarded. But, granting that this is the case; granting that our conduct at that time was unexceptionable; is it not highly necessary for us to know this before we offer any advice to his Majesty? My Lords, it is so necessary, that without it we cannot offer any sincere advice; it would be dishonourable, or at least rash in us to attempt it; for tho’ the affairs of *Poland* may not be the chief causes of the war, yet it is certain, that, with respect to *France*, they are the chief motives pretended; and for the other causes of the war, we must search into other late transactions, in all of which we certainly had a very great concern; perhaps a greater than this house may think this nation ought to have had, when we come to examine into those transactions, and have the proper papers laid before us for that purpose.

‘ But, my Lords, if with respect to the affairs of *Poland*, we favoured either of the now contending parties, it is absolutely necessary for this house to inquire into them, and for that end to have the papers now moved for, laid before us; such an inquiry will be so far from being attended with any mischievous consequences, that the neglect of it may be of the most fatal consequences, both to this nation, and to the liberties of *Europe*; for whatever side we favoured, it cannot be supposed that any of our endeavours are now a secret to those of the other side of the question. If we favoured the designs of those who were for setting *Stanislaus* upon the throne, we must have concerted measures with the leaders of that party in *Poland*; and as some of those who were then among the leaders of that party in *Poland*, are now in the interest of the

‘ Elector



Elect<sup>r</sup> of *Saxony*, can we suppose that any of our endeavours in favour of *Stanislaus*, or the instructions given to our minister for that purpose, are now a secret to the Elect<sup>r</sup> of *Saxony*, or to any of the powers now engaged to support his election? So that whatever our instructions may have been upon that head, they cannot now be a secret any where but in this house, where they ought to be known, and ought to be strictly inquired into; for it is impossible to imagine that the powers of *Europe*, who now support the Elect<sup>r</sup> of *Saxony*, will ever put any confidence in this nation, or join cordially with us in any measure, while those persons, who formerly advised such measures, have any influence in our councils: Nor can the nation, with honour, propose any terms of peace; much less engage in a war, for defeating those very measures which have been concerted in conjunction with us: We cannot at least propose any such terms of peace, or engage in the war on such a footing, till we have made examples of those who engaged us in such destructive measures.

On the other hand, if we suppose that the instructions sent at that time to our minister in *Poland*, were, to favour that party who were for placing upon their throne the Elect<sup>oral</sup> Prince, now the Elect<sup>r</sup> of *Saxony*; those instructions must have been communicated to all the chief officers of state, particularly to those of them who then appeared at the head of the *Saxon* party in *Poland*; and, as many of them are now in the interest of *Stanislaus*, can we suppose that those instructions are now a secret to any of those powers, who are now engaged to support the election of that Prince to the throne of *Poland*; or that they will look upon this nation as impartial, or with any confidence accept of our mediation, as long as those very persons, who joined in such measures against



‘ them, have any influence in our councils? So that  
 ‘ if we have a sincere inclination, which I think we  
 ‘ ought to have, to prevent this nation’s being en-  
 ‘ gaged in the war, we ought to inquire into our  
 ‘ transactions in *Poland*: and, for that reason, ought  
 ‘ to have the papers, called for, laid before us: But,  
 ‘ moreover, if it should appear, that the Emperor  
 ‘ has been attacked for pursuing those very measures  
 ‘ he had concerted with us; is not this nation in ho-  
 ‘ nour obliged to defend him against such an attack?  
 ‘ or at least, we ought to punish those who engaged  
 ‘ the faith of this nation, in measures, which it was  
 ‘ not our interest to pursue.

‘ Thus, my Lords, in every supposable case, it  
 ‘ is the duty of this house not only to call for those  
 ‘ instructions, but to examine them strictly, before  
 ‘ we can pretend to give his Majesty any honest or  
 ‘ sincere advice, in relation to the present posture  
 ‘ of affairs in *Europe*. If the instructions were right,  
 ‘ we ought to know it before we can give our ad-  
 ‘ vice; and it is impossible the publishing of them  
 ‘ can produce any bad effect: If they were other-  
 ‘ wise, they can produce no worse effect than they  
 ‘ have done already; and it is necessary they should  
 ‘ be examined into, and the persons punished who  
 ‘ advised them, before we can suppose that his  
 ‘ Majesty’s mediation will have any effect towards  
 ‘ restoring the peace of *Europe*, or preventing its  
 ‘ being necessary for this nation to engage in the  
 ‘ war.’

Question.

The question was then put upon the motion,  
 which upon a division was carried in the negative,  
 by 71 to 29.

Speakers.

The motion was made by the Earl of *Chesterfield*;  
 and the speakers in favour of it were, the said Earl  
 of *Chesterfield*, the Lord *Bathurst*, the Lord *Carte-*  
*ret*, and the Earl of *Winchelsea*: The speakers  
 against

against it were, the Duke of *Newcastle*, the Earl of *May*, and the Lord *Hardwick*.

Immediately after this division the following motion was made in the same house, *viz.* ‘ That an humble address should be presented to his Majesty, that he would be pleased to give direction, that the letters and instructions sent to his Majesty’s ministers at the courts of *France* and *Spain*, relating to the execution of the treaty of *Seville*, should be laid before the house.’

Motion relating to the treaty of *Seville*.

This motion likewise occasioned some debate, the substance of which is as follows, *viz.*

‘ My Lords, notwithstanding the fate of the former motion, I will beg leave to make another, which I hope will have better success; but before I make the motion I intend, I desire his Majesty’s speech to both Houses of Parliament, at the opening of the session, in the year 1730-1, may be read.’ (The same was read accordingly.) ‘ In that speech you may observe, my Lords, his Majesty informed us, in general, of the difficulties that were like to attend the execution of the treaty of *Seville*. And then says, *The plan of operations for the execution of the treaty of Seville by force, in case we should be driven to that necessity, is now under consideration.*—From these expressions, and from what fell from a noble Lord in the former debate, who told us we were to look for the springs and causes of the present war somewhere else than in the instructions given to our minister in *Poland*, I think it absolutely necessary for us to see the letters and instructions sent to our ministers at the courts of *France* and *Spain*, in relation to the execution of that treaty; for in that treaty, and in the negotiations that were carried on for the execution

Argument for it.

' of that treaty, I am, indeed, very much per-  
 ' suaded, we are to look for some of the chief springs  
 ' and causes of the present war; at least, I am very  
 ' sure, we cannot pretend to give his Majesty any  
 ' advice with respect to the present war, without  
 ' seeing that plan of operations which was concerted  
 ' for the execution of that treaty, and those negotia-  
 ' tions that were carried on for concerting that plan,  
 ' and for making it effectual after it was concerted;  
 ' and therefore my Lords, I shall move, &c.' (as  
 above-mentioned.)

To this it was answered, in substance, as follows,  
*viz.*

Answer.

My Lords, I must say, I am a great deal more  
 ' surprised at this motion than I was at the former;  
 ' for as the affair of *Poland* is made at least the pre-  
 ' tence of the present war, it might be suspected  
 ' that the late transactions in that kingdom were the  
 ' chief causes of the war; but I am sure it is im-  
 ' possible to imagine that any of the letters or in-  
 ' structions relating to the execution of the treaty of  
 ' *Seville*, can have any concern with the motives  
 ' of the present war; because, whatever measures  
 ' were concerted for the execution of that treaty  
 ' by force, it is certain, that no such measures ever  
 ' took effect: We all know, that the treaty of *Se-*  
 ' *ville* was soon after fully executed in an amicable  
 ' and friendly manner, by the conclusion of the  
 ' treaty of *Vienna*, therefore the treaty of *Vien-*  
 ' *na* is the only paper that can properly have any  
 ' relation to the execution of the treaty of *Seville*,  
 ' and the only paper from which we can have  
 ' any information in relation to the execution of that  
 ' treaty.

' Therefore, my Lords, as there can be no rela-  
 ' tion between the papers now called for and the  
 ' causes of the present war, there can be no reason  
 ' for

‘ for our desiring them to be laid before us on the  
‘ present occasion : But farther, my Lords, it would  
‘ be very improper, and certainly very dangerous, to  
‘ make those papers public at such a conjuncture as  
‘ the present ; because there may be several things  
‘ in them, that might break off that good corres-  
‘ pondence, which now subsists between his Majesty  
‘ and all the powers engaged in the present war ; and  
‘ which it is certainly necessary to keep up, till the  
‘ plan of peace, concerted by his Majesty and his  
‘ allies, shall be either accepted or rejected : for if  
‘ it be accepted, and peace restored upon safe and  
‘ honourable terms, this nation will be freed from  
‘ the danger of being involved in a heavy and ex-  
‘ pensive war ; a danger which we cannot avoid, if  
‘ the plan be rejected, and the war long continued ;  
‘ therefore I hope this house will never agree to do  
‘ any thing that may give the least occasion or pre-  
‘ tence for rejecting of that plan : And whatever  
‘ some Lords may be pleased to say of that plan, I  
‘ doubt not but it will appear to be a reasonable and  
‘ a good plan ; because in the forming of it the  
‘ *Dutch* ministers concurred with ours ; nay, I be-  
‘ lieve, were the first and the principal persons con-  
‘ cerned in the drawing it up : I believe it was ori-  
‘ ginally formed by as wise and as honest a minister,  
‘ as ever had the direction of the affairs of the  
‘ States General ; and his draught was approved of  
‘ by all those, who have any share in the administra-  
‘ tion of their affairs : so that whatever may be said  
‘ or thought of our own ministers, I hope every  
‘ Lord in this house will do the *Dutch* ministers, es-  
‘ pecially that great man, who has now the chief  
‘ direction of their affairs, the justice to think, that  
‘ they would neither have drawn up nor approved a  
‘ ridiculous plan, or a plan which they thought  
‘ would not be effectual ; and I believe I may say,  
‘ that if that plan, or something very like it, be not  
‘ effectual, it will from thence appear, that some of

‘ the parties now engaged in war, have views which  
 ‘ they have not yet thought fit to own, and that  
 ‘ both the *Dutch* and we will think it necessary to  
 ‘ join in the war, in order to prevent the accomplish-  
 ‘ ment of such dangerous designs. The discovering  
 ‘ of those views, if there be any such, is certainly  
 ‘ one of the chief things intended by that plan ; the  
 ‘ sooner they are discovered, the more easy it will  
 ‘ be to defeat them ; and I hope your Lordships will  
 ‘ do nothing that may defeat the design of the plan,  
 ‘ which your agreeing to the present motion would  
 ‘ very probably do ; because it might furnish a pre-  
 ‘ tence to some of the parties engaged in war, to  
 ‘ reject the plan, without being obliged to disco-  
 ‘ ver their real designs.

‘ But in short, my Lords, every argument that  
 ‘ was offered against the former motion, is certainly  
 ‘ equally strong against this ; and as your Lordships  
 ‘ have thought fit to disagree with the former motion,  
 ‘ I make no doubt of your disagreeing likewise with  
 ‘ this.’

The reply was to the following effect, *viz.*

Re'py.

‘ My Lords, whatever may be my own private opi-  
 ‘ nion, I have so great a deference for the opinion of this  
 ‘ house, that if there were no difference between this  
 ‘ and the former motion, I should not have stood  
 ‘ up to have said any thing in its favour ; but I hope  
 ‘ when your Lordships consider it, you will see that  
 ‘ there is a very great difference, between the papers  
 ‘ now called for, and the papers called for by the  
 ‘ former motion ; for tho’ the transactions to which  
 ‘ the former motion related, happened several years  
 ‘ ago, yet it cannot be said, that the affair is quite at  
 ‘ an end, because the dispute about the election of  
 ‘ a King of *Poland* is still subsisting ; and for that  
 ‘ reason many of your Lordships might think it  
 ‘ improper to have any papers published, which any  
 ‘ way



' way related to that dispute ; but in the case now  
 ' before us, there is no foundation for such an ar-  
 ' gument ; the affair relating to the execution of the  
 ' treaty of *Seville* is now quite at an end, the treaty  
 ' has been fully executed in all its parts, except so  
 ' far as relates particularly to this nation, I mean, my  
 ' Lords, with respect to the depredations committed  
 ' upon our merchants by the *Spaniards* ; and as sa-  
 ' tisfaction was due to us by the law of nations, I  
 ' hope we have made no promises, nor used any ar-  
 ' guments that can possibly disoblige any power in  
 ' *Europe*, not particularly concerned in that affair :  
 ' Indeed, if the doctrine of consequences takes place,  
 ' if we must never call for papers relating to any  
 ' transaction, as long as its consequences are upon  
 ' the anvil, I doubt much if this house can ever  
 ' call for papers relating to any transaction, that has  
 ' happened for at least a century past ; for every  
 ' transaction must be the consequence of some former,  
 ' perhaps a great many former transactions, so that  
 ' we could never call for the papers relating to any  
 ' transaction, as long as the persons concerned in it  
 ' were alive, which would indeed be an excellent and  
 ' a safe doctrine for ministers ; but for that very  
 ' reason, I hope it will never be received within  
 ' these walls.

' I shall readily admit, my Lords, that the con-  
 ' sequences of the treaty of *Seville* are now upon the  
 ' anvil : I shall readily admit that the present war is  
 ' a most natural consequence of the treaty of *Seville*,  
 ' and of the negotiations that were afterwards enter-  
 ' ed into, for executing that treaty by force : and I  
 ' am so far from thinking that those negotiations,  
 ' or the papers relating to them, can have no rela-  
 ' tion to the causes or motives of the present war,  
 ' that I am convinced the war is chiefly owing to  
 ' that treaty, and the measures that were concerted  
 ' for its execution. By that treaty, the ancient union  
 ' and intimate correspondence between *France* and

‘ *Spain* were restored ; and by the introduction of  
 ‘ *Spanish* troops into *Italy*, we not only opened a  
 ‘ way for the *Spaniards*, but by that very step, we  
 ‘ lost the King of *Sardinia*, by which we opened a  
 ‘ way likewise for the *French* into the same coun-  
 ‘ try, and thereby united those three powers in that  
 ‘ close confederacy, which occasions the present  
 ‘ disturbance in *Europe*.

‘ But, my Lords, though the present War be a  
 ‘ most natural consequence of the treaty of *Seville*,  
 ‘ and the future negotiations for the execution of  
 ‘ that treaty, I am so far from thinking this a good  
 ‘ reason for our not calling for any papers relating  
 ‘ to the execution of that treaty, that I think it is a  
 ‘ most convincing argument, for our inquiring strict-  
 ‘ ly into all those transactions ; and there is no  
 ‘ danger to be apprehended from publishing any  
 ‘ paper relating to them ; There can be nothing in  
 ‘ any of those papers that can possibly disoblige  
 ‘ either of the three powers now united against the  
 ‘ Emperor, more than we have already done by the  
 ‘ treaty of *Vienna* ; and if there be any thing in  
 ‘ either of those papers, which might at that time  
 ‘ have been disobliging to the Emperor, we have  
 ‘ since sufficiently attoned for it, by the unlimited  
 ‘ guaranty of the Pragmatic Sanction, which the  
 ‘ honour of this nation now stands charged with by  
 ‘ the treaty of *Vienna* ; so that it is not possible to  
 ‘ conceive, how there can be any thing in the papers  
 ‘ now called for, that may tend towards defeating  
 ‘ the plan which has been concerted for restoring the  
 ‘ peace of *Europe*, and which the noble Duke says,  
 ‘ will appear to be a wise and a good plan.

‘ As I know nothing, my Lords, about this plan,  
 ‘ I shall not pretend to say, what it will appear to  
 ‘ be ; but if it should appear to be a wise and a good  
 ‘ plan, I am sorry to find, that the *Dutch* only are  
 ‘ to have the honour of it ; for as we have been at  
 ‘ all the expence both in concerting it, and in endea-  
 ‘ vouring

' vouring by our preparations, to make it effectual,  
 ' it was, I think, but reasonable, that we should  
 ' have had a share of the honour. However, let  
 ' the plan be what it will, it can receive no preju-  
 ' dice from any of the papers now moved for : It is  
 ' impossible that either of the parties engaged in war  
 ' can from thence find any colour of reason for re-  
 ' jecting the plan ; and if from frivolous pretences  
 ' they reject it, their real designs will appear as evi-  
 ' dent, as if they had rejected it without giving any  
 ' such reason : But, my Lords, whatever may be-  
 ' come of the plan, the present posture of affairs is  
 ' of so great importance, that we cannot, in honour,  
 ' neglect giving his Majesty our advice ; and it is  
 ' impossible for this house to give him any advice,  
 ' without seeing the papers and instructions now mo-  
 ' ved for. Indeed, if the plan should be rejected,  
 ' we must then see a great many other papers, be-  
 ' fore we can pretend to be so thoroughly acquainted  
 ' with the circumstances of affairs, as to be able to  
 ' give any reasonable advice, with respect to those  
 ' measures, which his Majesty ought in that case to  
 ' pursue.'

The question being then put, it was upon a divi- Question.  
 sion, carried in the negative, by 72 to 29.

This motion was made by the Lord *Bathurst*, and Speakers,  
 supported by the Earl of *Chesterfield* and the Lord  
*Carteret*. The speakers against it were, the Lord  
*Hervey* and the Duke of *Newcastle*.

As soon as this division was over, the Lord *Car-*  
*teret* stood up and made the following motion, viz.

' That an humble address be presented to his Ma-  
 ' jesty, that he would be pleased to give directions  
 ' to the proper officer or officers, to lay before this  
 ' house, the several allotments of quarters which had  
 ' been

Allotments  
 of quarter  
 moved for.

‘ been made for his Majesty’s land forces in *Great-Britain*, since the 25th day of *March* last.’ Which motion was agreed to without any debate or division.

ON the 7th day of *March*, the house of Commons resolved itself into a Committee of the whole house, to consider farther of ways and means for raising the supply granted to his Majesty, and came to several resolutions, which were next day reported to the house, and are as follow, *viz.*

The supply raised out of the sinking fund.

‘ That towards raising the supply granted to his Majesty, there be issued and applied the sum of one million, out of such monies as have arisen, or shall or may arise for the surplusses, excesses, or overplus monies, commonly called the sinking fund.

Salt tax.

‘ That towards raising the supply granted to his Majesty, the several duties on salt, and also on red and white herrings, delivered out for home consumption, which, by an act of the 7th year of his present Majesty’s reign, were continued and granted to his Majesty, his heirs and successors, until the 25th day of *March*, 1742, be farther continued from the 24th day of *March*, 1741, to the 25th day of *March*, 1746.’

And bills were brought in soon after, pursuant to these resolutions.

Haddington petition.

ON the 12th of the same month a petition of *George Herriot*, provost of the royal burgh of *Haddington* in *Scotland*, *Robert Forest*, brewer there, *John Hay*, sadler there, *George Hunter*, wheelwright there, and *George Walker*, skinner there, was presented to the house, alledging, ‘ That upon application made the 24th of *October* then last, by *James Ereskine*,



‘ *Ereskine, John Cluddel, Andrew Wilson*, and others  
‘ assuming to themselves the name of magistrates in  
‘ the said burgh, and complaining that the peti-  
‘ tioners had disturbed them in the pretended exer-  
‘ cise of their offices, the hon. *Andrew Fletcher* of  
‘ *Miltoun*, one of the court of Justiciary, and also  
‘ of the court of Session in *Scotland*, though there  
‘ was evidently no foundation for such complaint,  
‘ without any jurisdiction to judge of the merits of  
‘ the election of magistrates of the said burgh, with-  
‘ out any evidence laid before him, without any notice  
‘ given to the petitioners, or any of the other persons  
‘ concerned, and so without hearing them or calling  
‘ them before him, gave forth a summary warrant,  
‘ directed to all officers whom it concerned, civil or  
‘ military, to search for, seize and apprehend the  
‘ persons of the petitioners and many others, to the  
‘ number of forty burghesses and inhabitants, where-  
‘ of seventeen were acting magistrates or counsellors  
‘ of the said burgh, where ever they should be found  
‘ in *Scotland*, and to imprison them within the nearest  
‘ sure prison; that this warrant was lodged in the  
‘ hands of *Humphry Colquhoun*, one of the macers  
‘ or messengers of the court of justiciary without  
‘ the privity of any other of the judges of that  
‘ court; and, as the petitioners have reason to be-  
‘ lieve, the said *Andrew Fletcher* ordered the said  
‘ macer to take directions from *Patrick Lindsay*,  
‘ Provost of *Edinburgh*, as to the manner of exe-  
‘ cuting that warrant; and such directions were ac-  
‘ cordingly given, as the petitioners have reason to  
‘ believe, in writing; that this warrant was accom-  
‘ panied by an order from Brigadier-General *Moyle*,  
‘ then acting as commander in chief of the forces in  
‘ *Scotland*, to the commanding officer of the dra-  
‘ goons then quartered in *Haddington*, to assist with  
‘ his dragoons in the execution of the warrant; that  
‘ upon the 25th day of the said month of *October*,  
‘ the petitioners were seized by the said *Humphry*  
‘ *Colquhoun*,



‘ *Colquhoun*, and tho’ the next sure prison was that  
 ‘ of *Haddington* itself, or that of *North Berwick*, and  
 ‘ tho’ the petitioners desired either to be committed  
 ‘ there, or to be carried to *Edinburgh*, the seat of  
 ‘ the courts of justice, where they might apply for  
 ‘ redress; yet he told them that his orders were to  
 ‘ carry them to the prison of *Dunbar*, and no other,  
 ‘ a place twenty miles distant from *Edinburgh*, and  
 ‘ eight miles from *Haddington*, and three miles far-  
 ‘ ther from *Edinburgh* than *North Berwick*; and  
 ‘ though the pretended crime wasailable, and  
 ‘ *Alexander Hepburn*, the sheriff substitute, to whom  
 ‘ the petitioners applied, was by law impowered,  
 ‘ and willing to admit them to bail, the said *Hum-  
 ‘ phry Colquhoun* told, that he could not dismiss them  
 ‘ upon bail, his express orders being to take no bail,  
 ‘ but to commit his prisoners to the prison of *Dun-  
 ‘ bar*; where they were accordingly imprisoned  
 ‘ from the said 25th day of *October* to the 27th day  
 ‘ of the said month, till by a warrant from the hon.  
 ‘ *David Erskine* of *Dun*, another of the judges of  
 ‘ the said courts of justiciary and session, the peti-  
 ‘ tioners were set at liberty, and execution of the  
 ‘ warrant was stayed against the rest, upon bail given  
 ‘ by the petitioners and them; and that since that  
 ‘ time, no criminal prosecution has been moved for,  
 ‘ upon any of these pretended crimes charged against  
 ‘ the petitioners or the rest; that these proceedings,  
 ‘ as the petitioners apprehend, and are advised, were  
 ‘ utterly illegal and oppressive on the part of the  
 ‘ said *Andrew Fletcher* of *Miltoun*, tending to destroy  
 ‘ the personal liberties of every subject, the freedom  
 ‘ of the royal burghs, and, of consequence, the free-  
 ‘ dom of elections of members to serve in Parlia-  
 ‘ ment for such burghs; and as the petitioners can  
 ‘ hope for no redress but from the justice of Parlia-  
 ‘ ment, therefore praying the house to take the pre-  
 ‘ mises into consideration, and to grant such redress  
 ‘ therein, as may effectually prevent such oppressions

in

‘ in time coming, and as otherwise to the house shall  
‘ seem meet.

After this petition was read, a motion was made Question.  
for referring it to a Committee of the whole house,  
upon which there was a long debate; but the question  
being at last put, it was, upon a division, carried in  
the negative, by 197 to 155.

This gave occasion to the following motion, which  
was made the *Friday* following, *viz.*

That part of an act of the Parliament of *Scot-* Motion for  
a new Ha-  
boas Corpor  
bill.  
*land* in 1701, intituled, *An act for preventing wrong-  
ous imprisonment, and against undue delays in trials*,  
might be read; which being accordingly read, it  
was moved, ‘ That leave might be given to bring in  
‘ a bill for explaining and amending the said act;  
‘ and the same being agreed to, Mr. *Dundas*, the  
‘ Lord *Polwarth*, and Mr. *Sandys*, were ordered  
‘ to bring it in.’

ON *Monday* the 17th of *March*, the said house Several sums  
granted.  
resolved itself again into a Committee of the  
whole house, to consider farther of the supply grant-  
ed to his Majesty, when they resolved to grant his  
Majesty the following sums, *viz.*

The sum of 10,393 *l.* 5*s.* 11*d.* to complete the  
sum of 81,568 *l.* 5*s.* 11*d.* for services incurred by  
augmenting his Majesty’s forces, and in concerting  
such other measures as the exigency of his Majesty’s  
affairs had required. The sum of 49,834 *l.* 13*s.*  
4*d.* upon account, for reduced officers of his Majes-  
ty’s land forces and marines, for the year 1735. The  
sum of 3,780 *l.* for paying off pensions to the widows  
of such reduced officers of his Majesty’s land forces  
and marines, as died upon the establishment of  
half-pay in *Great-Britain* (and who were married  
to them before the 25th of *December*, 1716) for the  
year

year 1735. The sum of 79,760*l.* 3*s.* 9*d.* for the charge of the office of ordnance for land-service, for the year 1735. The sum of 24,693*l.* 1*s.* 6*d.* for defraying the extraordinary expence of the office of ordnance for land-service, not provided for by Parliament. The sum of 36,405*l.* 15*s.* 4*d.* farthing, to make good the deficiency of the grants for the service of the year 1734. The sum of 37,557*l.* 13*s.* 4*d.* for making good the deficiency of the general fund. The sum of 198,914*l.* 9*s.* 7*d.* for the ordinary of the navy (including half-pay for sea-officers) for the year 1735. The sum of 10,000*l.* towards the support of the royal hospital at *Greenwich*. The sum of 10,000*l.* towards the maintenance of the *British* forts and settlements belonging to the royal *African* company of *England*, on the coasts of *Africa*. The sum of 26,000*l.* towards settling and securing the colony of *Georgia* in *America*. The sum of 4000*l.* towards the repair of the collegiate church of *St. Peter, Westminster*: And the sum of 3,500*l.* for the repair of the tower and roof of the parish church of *St. Margaret, Westminster*.

Total supply  
granted.

By adding these sums to the sums before granted, viz. For seamen 1,560,000*l.* For land-forces, 794,529*l.* 4*s.* 7*d.* half-penny. For garrisons, 215,710*l.* 6*s.* 5*d.* half penny. For extraordinary expences incurred, 10,273*l.* 1*s.* 7*d.* farthing. For out-pensioners of *Chelsea* college, 18,850*l.* 9*s.* 2*d.* And for *Denmark* treaty, 56,250*l.* It appears, that the supply granted for this year, amounts to 3,150,452*l.* 4*s.* 7*d.* half-penny.

Limitation  
bill.

ON the 19th it was ordered, that leave should be given to bring in a bill for the better securing the freedom of Parliaments, by limiting the number of officers in the House of Commons; and Mr. *Sandys*, Mr. *Wortley*, Mr. *How*, Sir *John Hind Cotton*,

A. 1735.

# DEBATES.

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*Cotton*, Mr. *Watkin Williams Wynn*, and Sir *William Lowther*, were ordered to prepare and bring in the same; which was accordingly presented to the house on the 21st, by Mr. *Sandys*.

The same day, the house having resolved itself into a Committee of the whole house, on ways and means, resolved, that towards raising the supply granted to his Majesty, the sum of two shillings in the pound and no more, should be raised in the year 1735, upon lands, &c. and that a proportionable cess (according to the 9th article of the treaty of union) should be laid upon that part of *Great-Britain* called *Scotland*: And a bill, pursuant to this resolution, was ordered to be brought in.

Land tax.

ON *Thursday* the 13th of *March* the mutiny bill was, according to order, read a second time in the house of Lords, and ordered to be committed: But as soon as the motion for committing was agreed to, a motion was made, ‘ That an instruction should be given to the Committee on that bill, to receive a clause for providing, That the number of land-forces to be mentioned in the preamble, and subjected to the penalties of that bill, should not exceed 17,704 men.’

Motion against augmenting the army, with the debate upon it.

Upon this motion, there was a long debate, in which the arguments made use of for the motion were to this effect, *viz.*

‘ My Lords, altho’ I have agreed to the committing of this bill without any objection, yet I cannot but take notice of the number of forces mentioned in the preamble. The number of forces kept up last year, was much greater than I thought necessary for the defence of our country, and much greater than I thought consistent with the safety of our constitution; but by the bill now before us, I find

Argument for it.

‘ find, even that number is now to be greatly in-  
‘ creased ; and why a greater number is now neces-  
‘ sary or safe, I cannot comprehend. I have always  
‘ thought myself obliged, as a member of this house,  
‘ to take notice of every thing that might occasion  
‘ any additional burden to be laid upon the subject,  
‘ or that might, in my opinion, be of dangerous  
‘ consequence to the happy constitution of this king-  
‘ dom ; and I have always thought it my duty, not  
‘ to give my consent to either, till I heard some  
‘ very sufficient reasons for convincing me, that it  
‘ was necessary. This, my Lords, is what makes  
‘ me now stand up ; for I have always been of opi-  
‘ nion, and I think it has generally been admitted,  
‘ that the keeping up a great number of regular  
‘ troops within this island, in time of peace, is of  
‘ the most dangerous consequence to our liberties ;  
‘ and the increasing that number upon any occa-  
‘ sion, must oblige us to lay new burdens upon the  
‘ people.

‘ As the circumstances of *Europe* are now much  
‘ the same they were last year, if no greater num-  
‘ ber had been proposed for the ensuing year, I have  
‘ so great a respect for the opinion this house was of  
‘ the last session of Parliament, that though I am  
‘ still of a different opinion, I should not have given  
‘ your Lordships any trouble upon the present occa-  
‘ sion ; but since a great addition is now to be made,  
‘ to that which last year I thought too great a num-  
‘ ber, I expected that some of the noble Lords,  
‘ who are in the secret of our affairs, would have  
‘ stood up, and shewn us the necessity of this aug-  
‘ mentation : This I not only had reason to expect,  
‘ but I am, in honour, obliged to insist upon it, be-  
‘ fore I give my consent for keeping up the number  
‘ now proposed ; and every Lord of this house, who  
‘ is in the same circumstances with me, has reason  
‘ to expect the same, and lies under the same obli-  
‘ gation to insist upon it. There may be, for what I  
‘ know



‘ know, a very urgent necessity for this augmentation, but I desire to have that necessity explained to us ; for if this house should ever come into the method of increasing our fleets and our armies, and loading our people with debts and taxes, for no other reason, but because the ministers tell us it is necessary, the Parliament of *Great Britain* will soon come to be of the same nature with the Parliament or states of the province of *Britany*, or of any of the other provinces of *France* ; we may perhaps continue to meet in this house, but we shall meet here for no other end, but to approve of what our ministers may be pleased to inform us of, and to give a parliamentary sanction to whatever they may be pleased to propose.

‘ The chief reason, therefore, my Lords, for my standing up, is to demand that some noble Lord, who is better acquainted than I am with the present circumstances of the nation, especially with respect to our foreign affairs, would stand up in his place, and explain to us the necessity for our making the augmentation proposed ; for unless that necessity be fully explained to us, I hope your Lordships will agree to the motion I now make, which is, That there may be an instruction to the committee upon this bill, to receive a clause, &c. (as above-mentioned.)

The answer to this was in substance as follows,  
*viz.*

‘ I shall readily admit, my Lords, that the keeping up of a numerous standing army within this island, in time of peace, is of the most dangerous consequence, and absolutely inconsistent with our constitution ; I shall likewise admit, that no augmentation can be made to our army, without laying some additional burden upon the people ; and therefore I must admit, that we ought never to a-  
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Answer.

' gree to either, without some very apparent neces-  
 ' sity for so doing; but the affairs of *Europe* are, at  
 ' present, in such a dangerous state, and that state is  
 ' so well and so publickly known, that the necessity  
 ' for our making an augmentation of our army, is,  
 ' in my opinion, of itself apparent, and therefore I  
 ' thought it was quite unnecessary for any Lord in  
 ' this house to explain that necessity. The present  
 ' cannot be properly said to be a time of peace: We  
 ' are, at present, in a state of doubt and suspense,  
 ' which can neither be called a state of peace or of  
 ' war; for though we are not actually engaged in  
 ' the war now carrying on in *Europe*, no man can  
 ' foresee how soon we may be obliged to engage;  
 ' and therefore it is highly necessary for us, to begin  
 ' early to provide for the worst, in order that we  
 ' may be able to engage with such vigour, as may  
 ' contribute both to the safety and honour of the  
 ' nation, in case any future event should render it  
 ' absolutely necessary for us to take a share in the  
 ' war.

' The number of troops, mentioned in the pre-  
 ' amble of this bill, is, 'tis true, greater than that  
 ' which was mentioned in the same bill last session  
 ' of Parliament; yet, my Lords, the augmentation  
 ' is not so great as it may at first appear to be: The  
 ' number of troops proposed for this ensuing year,  
 ' does not very much exceed that number which was  
 ' thought necessary last year; for your Lordships  
 ' must remember, that towards the close of last ses-  
 ' sion, there was a power granted to his Majesty to  
 ' augment his forces both by sea and land, if the  
 ' exigency of affairs should so require; and, in pur-  
 ' suance of this power, there was last year an aug-  
 ' mentation made to our land-forces, which aug-  
 ' mentation his Majesty thought absolutely necessary,  
 ' for enforcing those measures he was then taking,  
 ' in concert with his allies, to restore the tranquillity  
 ' of *Europe*. His Majesty's mediation, in conjunc-

tion with his allies, the *Dutch*, had been accepted by all the parties engaged in war; and, in such circumstances, it was certainly very necessary for his Majesty to put himself into such a condition; as might add weight to what he was to propose, as mediator of the differences subsisting in *Europe*. A plan of peace has accordingly been offered, to the parties engaged in war; if the terms of that plan be accepted, peace will be restored to *Europe*, the balance of power preserved, and this nation freed from the danger it is at present exposed to, of being obliged to engage in a bloody and expensive war: It is therefore very much the interest of this nation in particular, as well as of *Europe* in general, to have that plan made effectual; and it must be granted, that the most certain method for making it effectual, is for his Majesty to shew to all the parties concerned, that he is preparing to join against those, who shall refuse to accept of those reasonable terms of peace, which he has been pleased to propose. This was the reason for making an augmentation last year; this is the reason for making a still farther augmentation for the year to come; and this, my Lords, is so apparent, that I did not expect it would have wanted any explanation.

But, my Lords, if his Majesty's endeavours should fail of the desired success, the augmentation we have made will then be of great use; for if that reasonable plan his Majesty has offered, should be rejected, it will be a proof, that some of the parties engaged in war have designs, which are inconsistent with the liberties of *Europe*; this must, of course, necessarily oblige us to join the other side; and, by the preparations we have made, we shall be able to put a stop to the designs of the ambitious, before they have had an opportunity to push them too far; in which we shall certainly have the assistance of our friends the *Dutch*, who,

' as they are joined with his Majesty in the media-  
 ' tion, will, without doubt, join with him in such  
 ' other measures as may be necessary for preserving  
 ' the balance of power; and this they will do the  
 ' more cordially and the more freely, when they see  
 ' that his Majesty is prepared, for the immediate  
 ' execution of any measure that may be proposed.  
 ' In this respect, they were in a situation very dif-  
 ' ferent from that in which we were at the beginning  
 ' of the war, because they had made no reduction  
 ' of their land forces ever since the treaty of *Vienna*,  
 ' between the Emperor and *Spain*, and therefore it  
 ' was not necessary for them to make any augmen-  
 ' tation; all they had to do, was, to delay making  
 ' that reduction which they had actually resolved on,  
 ' before the present war broke out; whereas we had  
 ' long before reduced the augmentation we made of  
 ' our land forces, on occasion of that treaty; and  
 ' were, for that reason, obliged to increase them  
 ' last year, in order to put ourselves upon an equal  
 ' footing with the *Dutch*, and to convince them,  
 ' that we were resolved to be ready to join with  
 ' them in any measure that should appear necessary,  
 ' for preventing the ambitious views of either of the  
 ' parties now engaged in war.

' Upon this occasion, my Lords, we ought to  
 ' consider, that immediately after the treaty of  
 ' *Utrecht*, the *Dutch* reduced their land army to  
 ' 32,000 men, which they supposed to be a number  
 ' sufficient for the defence of their country in time  
 ' of peace, and accordingly it appeared to be so;  
 ' for they never made any addition, till they heard  
 ' of the treaty concluded between the Emperor and  
 ' *Spain* at *Vienna*, and the counter-alliance concluded  
 ' between *England* and *France* at *Hanover*; upon  
 ' which occasion, as the affairs of *Europe* seemed to  
 ' tend towards an open rupture, they augmented  
 ' their army with 20,000 men; and, at the same  
 ' time, and for the same reason, we increased our  
 ' land

land forces to the number now proposed by this bill; but upon the conclusion of the treaty of *Sevilla*, we reduced our forces again to their old standard, whereas the *Dutch* never reduced a man of the 20,000 additional troops they had raised, tho' it is certain they were resolved to reduce every man of them, as soon as they saw that the affairs of *Europe* would admit of such a reduction, and had actually come to a formal resolution to reduce 10,000 of them, just before the late King of *Poland's* death; but, upon that Prince's death, they very wisely suspended that resolution; so that they certainly have now 20,000 land forces on foot, more than they would at this time have had, if no war had broke out; therefore it may be properly said, they have made an augmentation of 20,000 men on account of the present war; and to do them justice, as our allies, and as being united in the same interest with us, we can do no less than increase our army to the number now proposed, as being the least number we can have, in proportion to the army our allies, the *Dutch*, have at present on foot.

The number of regular forces, kept up within this island in former times, is, I find, my Lords, an argument constantly made use of when this bill comes before us; but it is always, in my opinion, an argument rather for, than against the number of forces proposed by the bill; for, considering the difference between regular forces and militia, which the late troubles in *Poland* have made sufficiently manifest, it must be granted, that the number of regular forces kept up in this nation, or in any nation, ought always to bear some sort of proportion to the number of regular forces kept up by neighbouring states, especially by those from whom the greatest danger is to be apprehended; and as all the nations of *Europe* have, of late years, very much increased their number of regular forces for-



‘ merly kept up, we must necessarily do the same;  
 ‘ but, in particular, we ought to consider our neigh-  
 ‘ bouring kingdom of *France*, the nation from which  
 ‘ we have the most to fear; and if we compare the  
 ‘ number of regular forces now kept up by them,  
 ‘ even in time of peace, with the number they for-  
 ‘ merly kept up, I believe we’ll find, that the in-  
 ‘ crease we have made in our number of regular forces  
 ‘ bears no proportion with the increase they have  
 ‘ lately made; so that this argument, which is ge-  
 ‘ nerally made use of against the bill, is really,  
 ‘ when rightly considered, one of the strongest ar-  
 ‘ guments that can be made use of, in favour of the  
 ‘ greatest number of forces that was ever proposed  
 ‘ to be kept up within this island in time of peace;  
 ‘ and, considering the doubtful state we are in at  
 ‘ present, considering the present dangerous situation  
 ‘ of the affairs of *Europe*, I am surprised to see any  
 ‘ opposition made to the small augmentation now  
 ‘ proposed.’

The reply was in substance thus, *viz.*

Reply.

‘ My Lords, as every day seems to furnish us  
 ‘ with new maxims in politics, which to me appear  
 ‘ very extraordinary, so this day has furnished us  
 ‘ with a maxim, that is not only extraordinary, but  
 ‘ inconsistent with our constitution: We have been  
 ‘ told, that the number of regular forces kept up in  
 ‘ this nation, is always to bear some proportion to  
 ‘ the number of regular forces kept up by our neigh-  
 ‘ bours, especially by our neighbours of *France*, from  
 ‘ whom we are said to have most to fear. My Lords,  
 ‘ if we were so unlucky as to be situated on the con-  
 ‘ tinent, or to have any neighbours that could come  
 ‘ at us by land, there might be some truth in the  
 ‘ maxim now discovered to us; but, as we have the  
 ‘ happiness to be surrounded by the sea; as we have  
 ‘ the happiness to have a fleet, superior to any that  
 ‘ can

‘ can probably be sent against us ; we have no occasion to give ourselves any trouble, or to put ourselves to any expence, on account of the number of regular forces kept up by any of our neighbours : Our neighbours may keep up as many thousands, or as many hundred thousands as they please, but they cannot put hundred thousands on board transports, and without putting them on board transports, they can do no harm to this nation : Nay, they cannot put any great number of thousands on board transport ships, without our hearing of the embarkation ; and if we have the least suspicion of their being designed against us, we can send our fleet and lock them up, or perhaps burn their ships in their harbours ; therefore we can never have occasion to keep up, in this island, any greater number of regular forces than are necessary for securing our coasts against sudden and unexpected invasions, which can never consist of above four or five thousand men ; and to guard us against such, I am sure a much smaller number of regular forces would be sufficient, than has been kept up for many years past in this island.

‘ We have likewise been told, my Lords, of the great difference between regular forces and militia, which, ’tis said, has been manifested by the late troubles in *Poland* : But, in this case, we ought to distinguish between veteran troops, and those that can only be called regular troops : We ought also to distinguish between a regular well-disciplined militia, and a meer rabble or mob. By veteran troops, I mean those who have been inured to action, and are acquainted with danger ; and such, I believe, will always be found better than the best disciplined militia, or even the best regular troops that never looked an enemy in the face, unless it was the smugglers and the thieves of their own country : But that there is any very great

' great difference between these last mentioned  
 ' troops, and a regular well-disciplined militia, is  
 ' what I cannot admit of; nor have the late trou-  
 ' bles in *Poland* afforded me any reason to do so;  
 ' for every one knows, that their militia were nei-  
 ' ther regular nor disciplined; nay, I doubt much  
 ' if they were sufficiently provided with ammuni-  
 ' tion or arms: But the situation of this country is  
 ' very far different from that of *Poland*; for tho'  
 ' our militia have been very much neglected of late  
 ' years, yet before we could be invaded by any  
 ' powerful armado, we would have time to disci-  
 ' pline our militia, and to form them into regular  
 ' regiments: It is very well known, that the *Spanish*  
 ' armado was above two years in preparing, and  
 ' I believe there is not a nation in *Europe*, besides  
 ' ourselves, that could fit out such another in a  
 ' shorter time. In two years, in the half, in the  
 ' fourth part of that time, there is not a plowman  
 ' in *Britain*, but might be made as good a soldier as  
 ' ever danced through his exercises at a review; and  
 ' if he should dance through his exercises for twen-  
 ' ty years longer, without seeing action, he cannot  
 ' be called a veteran, nor can it be supposed he will  
 ' behave as such in the first action he happens to  
 ' be in.

' These considerations, my Lords, have always  
 ' convinced me, that 7 or 8000 men are sufficient  
 ' to guard this island against any foreign invasions;  
 ' and I am sure they will always be sufficient for the  
 ' support of our government, as long as the affec-  
 ' tions of the people are carefully preserved; a grea-  
 ' ter number, can never, in my opinion, be neces-  
 ' sary, unless it be to support a wicked and oppres-  
 ' sive administration, against the general resentment  
 ' of the people; and this house will never, I hope,  
 ' give countenance to any such design. From hence,  
 ' my Lords, I must conclude, that we are for this  
 ' next year to keep up 17 or 18,000 men, purely,

' on

' on account of the present war ; and why we should  
 ' as yet give ourselves so much concern, or put our  
 ' selves to such an expence about it, is what I can-  
 ' not comprehend. We are, it is said, in a state  
 ' of doubt and suspense, but were not we in the  
 ' same state at the beginning of last session of Par-  
 ' liament? Were not the consequences of the war  
 ' as much to be dreaded at the beginning of that  
 ' session as at the end, or as they can be at pre-  
 ' sent? Nay, in my opinion, they were more to  
 ' be dreaded at the beginning of that session than at  
 ' any time since ; for ever since that time the par-  
 ' ties engaged have appeared to be pretty equally  
 ' matched, and while they continue so, I am sure,  
 ' the balance of power can never be supposed to be  
 ' in danger ; so that if his Majesty augmented his  
 ' land forces, in pursuance of the power granted  
 ' at the end of last session of Parliament, it is so far  
 ' from being a reason for agreeing to the augmen-  
 ' tation now proposed, that unless I hear some bet-  
 ' ter reason than I have yet heard for it, I must con-  
 ' clude, it was an unnecessary augmentation, it was  
 ' putting the nation to a needless expence ; and  
 ' therefore we ought to be so far from approving  
 ' it, by making a new augmentation, that we ought  
 ' to address his Majesty, to know who it was advised  
 ' him to make the last.

' With respect to the plan of peace said to have  
 ' been offered to the parties now engaged in war, I  
 ' am, my Lords, intirely in the dark, nor can any  
 ' Lord, as a member of this house, draw any ar-  
 ' gument from it, because nothing relating to it,  
 ' nothing relating to any of our foreign affairs, has  
 ' been laid before this house. Whatever that plan  
 ' may be, I wish it may meet with the desired suc-  
 ' cess ; but I am sorry to say, I have too good  
 ' reason to doubt of its meeting with any success ;  
 ' for, from the view I have of foreign affairs, even  
 ' from that view which I take from public news-  
 ' papers,

‘ papers, I am of opinion, the war now kindled in  
 ‘ *Europe* cannot be so easily made an end of as some  
 ‘ people imagine: Before that flame can be extin-  
 ‘ guished, I am afraid much blood will be spilt,  
 ‘ great Princes must suffer, even Queens must weep;  
 ‘ the conduct of ministers must be enquired into,  
 ‘ and some must meet with that punishment they  
 ‘ deserve, before that flame can be extinguished  
 ‘ which has been raised by their mismanagement.

‘ But supposing, my Lords, that we had been  
 ‘ fully acquainted with this plan, supposing that we  
 ‘ knew it to be a reasonable and a good plan, do we  
 ‘ think that his Majesty’s measures, or any proposi-  
 ‘ tions he may be pleased to make to foreign pow-  
 ‘ ers, are to be enforced by an addition of seven or  
 ‘ 8000 men to his land forces? No, my Lords,  
 ‘ his Majesty’s measures are, upon all occasions, to  
 ‘ draw their weight from the affections of his peo-  
 ‘ ple, and from the sincere advices of his Parliament,  
 ‘ after we have been fully informed of our circum-  
 ‘ stances with respect to foreign affairs; for in case  
 ‘ it should at last appear absolutely necessary for us to  
 ‘ enter into the war, for the sake of preserving the  
 ‘ balance of power in *Europe*, all the men in the  
 ‘ nation, able to bear arms, would be at his Ma-  
 ‘ jesty’s service, and every purse would be open to  
 ‘ him; but till that conjuncture happens, the  
 ‘ strength and the money of the nation ought to be  
 ‘ husbanded as much as possible; the nation’s money  
 ‘ ought not to be thrown away upon useless augmen-  
 ‘ tations, either by sea or land, which can no way  
 ‘ contribute to intimidate our enemies, and may  
 ‘ amuse our friends with vain hopes of assistance,  
 ‘ when perhaps there is no such thing designed.

‘ The *Dutch*, it is true, my Lords, did reduce  
 ‘ their land forces to about 32,000 men, soon after  
 ‘ the peace of *Utrecht*; but it is well known that the  
 ‘ reduction they then made was too great, and was  
 ‘ loudly



loudly complained of, even by some of their own provinces : At that time indeed there was almost a certainty, that the tranquillity of *Europe* would continue for some years ; every nation in *Europe* was then groaning under the burdens which the former war had brought upon them, so that it was very improbable any one of them would soon think of disturbing the peace of any neighbouring state ; and the *Dutch*, who had their share of the burden of the war, thought they might take advantage of that time of absolute security, to ease their people, and to recover a little from that burden of public debts they were then labouring under ; yet even at that time, notwithstanding the state of absolute security which *Europe* was then in, the provinces of *Guelderland* and *Overyssel*, which lie most exposed, remonstrated strongly against the reduction then made, and never ceased their remonstrances till the treaty of *Hanover* happened, which afforded them an opportunity of pressing an augmentation with success ; for as the situation of that country is very different from the situation of this, it is at all times necessary for them to keep up a numerous army. They have the misfortune to be situated upon the continent, and may consequently be suddenly invaded by great armies ; they have an extensive frontier to defend, upon which they have above seventy fortified towns, and in every one of these they must keep numerous garrisons ; so that 52,000 men is really the least number they can keep up, unless it be at some very extraordinary conjuncture, such as that which happened after the treaty of *Utrecht*.

Although, my Lords, there can be no just parallel drawn from the number of regular forces necessary to be kept up in *Holland*, yet let us consider what we did at the time the *Dutch* made this large reduction : Did not we at the same time re-

duce

duce our army to 7 or 8000 men ; and if at that time we had followed the example of the *Dutch*, we had reduced it to half that number ; if any parallel then could be drawn between the *Dutch* and us, the additional 10,000 we now keep up, and which has been kept up for many years, ought to be set against the 20,000 additional forces raised by the *Dutch* upon the conclusion of the treaty of *Hanover* ; and every man must grant, that it is more than our just proportion. But besides this 10,000 which last year we agreed to keep up, for no other reason but only on account of the war then broke out in *Europe*, have not we made a most extraordinary addition to our naval force ? Have we not now added no less than 22,000 men to the number of seamen we kept up the year before the war broke out ; so that if we had actually reduced the 10,000 land forces kept up last year solely on account of the war, neither the *Dutch* nor any other of our allies could have said that we were behind-hand with them, in providing for the preservation of the balance of power in *Europe* ; but as the case now stands, we have taken such an alarm, and have put ourselves to such an expence, that all the powers of *Europe* seem to think we have done enough for them, as well as ourselves ; and therefore neither the *Dutch*, nor any other power of *Europe*, have given themselves the least concern, or put themselves to the least expence, about the preservation of that, in which they are as deeply and more immediately concerned than we are.

‘ If the balance of power, my Lords, were really in danger of being overturned, we ought to take other sort of measures than have as yet been taken. Our treaty with *Denmark* can make no new addition to the security of that balance, because the King of *Denmark*, by as solemn a treaty as can be made, was before obliged to assist the Emperor  
‘ with

‘ with all his force ; and if the Emperor could not  
‘ depend upon that treaty, we can as little depend  
‘ upon the treaty we have made, or any treaty we  
‘ can make : But upon the present emergency, our  
‘ views should have been principally directed to  
‘ another quarter ; there is another power whose  
‘ friendship and alliance will always add great weight  
‘ to any of our negotiations upon the continent ; and  
‘ I am sorry to find there is not so good an under-  
‘ standing between that power and us, as ought to be  
‘ wished upon all occasions, but particularly, upon  
‘ the present emergency. As we have been refused  
‘ all insight into the affairs of *Europe*, or into any  
‘ of our late negotiations, it is impossible for me to  
‘ judge, whether the balance of power be in danger  
‘ or not ; but by the inaction of the *Dutch*, and by  
‘ the indifference shewn by several other powers,  
‘ with respect to the present war, I must conclude,  
‘ that the balance of power is not, as yet, like to  
‘ be in any danger ; if it is not, and if we have no  
‘ other concern in the war, I must then certainly  
‘ conclude, that the great expence we have been at,  
‘ as well as the additional expence now proposed,  
‘ are quite useless, and can serve no purpose but that  
‘ of overloading the people with taxes, and aliena-  
‘ ting the minds of his Majesty’s subjects ; which,  
‘ instead of adding weight to his Majesty’s negotia-  
‘ tions, will frustrate all his measures for restoring  
‘ the tranquillity of *Europe*, and will render the  
‘ councils of this nation contemptible in the eyes of  
‘ all our neighbours.

‘ To pretend, my Lords, that we must always  
‘ augment our land forces when *France* augments  
‘ theirs, is one of the most dangerous doctrines I  
‘ ever heard delivered in this house : It may as well  
‘ be said, that because the *French* have given up  
‘ their liberties, and submitted their necks to the  
‘ yoke of arbitrary power, we ought to do the same.

‘ What

' What have we to do, for God's sake, with the ar-  
 ' mies of *France*? They may march great armies  
 ' into *Holland, Germany, Italy, or Spain*, but can  
 ' they march an army into *Great-Britain*, or into  
 ' any part of our dominions? We know they can-  
 ' not; and we likewise know they cannot transport  
 ' any great number of forces by sea, nor can they  
 ' transport any number but by stealth, as long as  
 ' our fleet is superior to theirs: And while we are  
 ' united among ourselves, as long as his Majesty,  
 ' or any of his illustrious family, shall retain the  
 ' hearts and affections of the people, we have no-  
 ' thing to fear from any number that *France* could,  
 ' by stealth, throw in upon us, though we had not  
 ' a regiment of what are called regular forces in the  
 ' kingdom.

' Let us consider, my Lords, what it was that  
 ' chiefly contributed to destroy the liberties of *France*.  
 ' It was, my Lords, their fears of invasions from  
 ' us: We had then large possessions in that country,  
 ' from whence it was easy for us to invade them at  
 ' any time; and the continual apprehensions they  
 ' were under of invasions from us, afforded their  
 ' Kings and ministers a pretence for prevailing with  
 ' the people to alter the form of their military force:  
 ' They altered the ancient establishment of their mi-  
 ' litia, and put the power over them intirely into the  
 ' hands of the crown: This gave the first blow to  
 ' the liberties of the people; for, soon after, their  
 ' Kings began to keep up regular armies, intirely  
 ' dependent upon the crown; and as *France* was the  
 ' first country of *Europe* where any such army was  
 ' kept up, so the *French* were the first people in  
 ' *Europe* that lost their liberties: If we should fall  
 ' into the same error, if we should now, for fear of  
 ' invasions from them, do what they formerly did  
 ' for fear of invasions from us, we might expect  
 ' our case would at last come to be the same; and then  
 ' indeed they would have of us a full revenge; but

' we

‘ we would be much less excusable, because their  
 ‘ fears of invasions from us were real, and were  
 ‘ founded upon experience, whereas our fears from  
 ‘ them are so very far from being founded upon  
 ‘ experience, that they must always be imaginary  
 ‘ and ridiculous.’

At last the question was put upon the motion, and Question.  
 was, upon a division, carried in the negative, by  
 87 to 43.

The motion was made by the Earl of *Strafford*, Speakers.  
 and was supported by the Lord *Batburst*, the Earl  
 of *Aylesford*, the Earl of *Chesterfield*, the Lord *Carteret*, and the Earl of *Winchelsea* : It was opposed by  
 the Lord *Hervey*, the Lord Chancellor, the Earl of  
*Finlater*, the Duke of *Newcastle*, and the Lord  
*Hardwick*.

ON the 27th of *March* a committee was appointed, to consider the laws in being relating to the maintenance and settlement of the poor, and to consider what farther provisions might be necessary for their better relief and employment : And the said committee having considered and examined this affair with great care and attention, came to several resolutions, as follows, *viz.*

*Resolutions  
 relating to  
 the poor.*

*Resolved*, That it was the opinion of that committee,

‘ 1. That the laws in being relating to the main-  
 ‘ tenance of the poor of this kingdom are defective ;  
 ‘ and, notwithstanding they impose heavy burdens  
 ‘ on parishes, yet the poor, in most of them, are  
 ‘ ill taken care of.

‘ 2. That the laws relating to the settlement of  
 ‘ the poor, and concerning vagrants, are very diffi-  
 ‘ cult



‘cult to be executed, and chargeable in their execution; vexatious to the poor, and of little advantage to the public; and ineffectual to promote the good ends for which they were intended.

‘3. That it is necessary, for the better relief and employment of the poor, that a public workhouse or workhouses, hospital or hospitals, house or houses of correction, be established in proper places, and under proper regulations, in each county.

‘4. That in such workhouse or workhouses, all poor persons, able to labour, be set to work, who shall either be sent thither, or come voluntarily for employment.

‘5. That in such hospital or hospitals, foundlings and other poor children, not having parents able to provide for them, be taken care of; as also poor persons that are impotent or infirm.

‘6. That in such house or houses of correction, all idle and disorderly persons, vagrants, and such other criminals as shall be thought proper, be confined to hard labour.

‘7. That towards the charge of such workhouses, hospitals, and houses of correction, each parish be assessed or rated, and that proper persons be empowered to receive the money so to be assessed or rated, when collected; and also, all voluntary contributions or collections, either given or made for such purposes.

‘8. That such workhouses, hospitals and houses of correction, be under the management of proper persons, regard being had to such as shall be benefactors to so good a work.

‘9. That

‘ 9. That such persons as shall be appointed for  
 ‘ the management of such workhouses, hospitals,  
 ‘ and houses of correction, be one body politic in  
 ‘ law, capable to sue and be sued, and of taking  
 ‘ and receiving charitable contributions and bene-  
 ‘ factions for the use of the same.

‘ 10. That, for the better understanding, and  
 ‘ rendering more effectual, the laws relating to the  
 ‘ maintenance and settlement of the poor, it is very  
 ‘ expedient that they be reduced into one act of  
 ‘ Parliament.’

These resolutions were reported to the house on  
 the 2d day of *May*, and on the 7th of the same  
 month were all agreed to, without amendment, ex-  
 cept the 9th, which was amended thus, *viz.*

*Resolved,*

‘ That such persons as shall be appointed for the  
 ‘ management of such workhouses, hospitals and  
 ‘ houses of correction, be one body politic in law,  
 ‘ capable to sue and be sued, and of taking and re-  
 ‘ ceiving charitable contributions and benefactions  
 ‘ in money, for the use of the same, with proper re-  
 ‘ strictions as to the use of such bodies politic.’

And then this resolution so amended was agreed  
 to by the house.

ON the 28th of *March*, Mr. *Dundas* presented  
 to the house (according to order) a bill, for ex-  
 plaining and amending an act past in the Parliament  
 of *Scotland*, in the year 1701, intituled, *An act for*  
*preventing wrongous imprisonment, and against undue*  
*delays in trials.* Which was read a first time, and  
 ordered to be read a second time.

*New Habeas*  
*Corpus bill*  
*presented,*

Petition a-  
gainst patro-  
nages.

ON the 10th of *April*, a petition of the then late general assembly of the church of *Scotland* was presented to the house and read, representing, 'That patronages have, since the reformation, been deemed by the said church a very great grievance, and not warranted by the word of God, and have at all times been struggled against; that soon after the revolution, an act of Parliament was made in *Scotland*, abolishing the power of patrons to present ministers to vacant churches; and at the union of the two kingdoms, the establishment of the church of *Scotland*, in all its rights and privileges, by that and other acts of Parliament made or ratified after the revolution, was declared to be a fundamental and essential condition and article of that union; and at that time it was the right and privilege of the said church to be free from patronages; but that by an act passed in the 10th year of her late Majesty Queen *Anne*, intituled, *An act to restore the patrons to their ancient rights of presenting ministers to the churches, vacant in that part of Great-Britain called Scotland*, the foresaid act, passed in the reign of King *William*, was rescinded, in so far as concerned the power of patrons to present ministers to vacant parishes; and other advantages, which had been the chief things bestowed on patrons, in lieu and recompence of their former right of presentation, were nevertheless suffered to continue with them; and therefore praying the house to pass a bill for repealing the foresaid act of Parliament, passed in the 10th year of Queen *Anne*, in so far as concerns the power of patrons to present ministers to vacant churches, in order to restore the church of *Scotland* to the rights and privileges she was possessed of at the union of the two kingdoms.'

Leave

Leave was, in pursuance of this petition, moved for, and accordingly given, to bring in a bill for this purpose; and Mr. *Plummer*, Mr. *Ereskine*, Mr. *Forbes*, Mr. *Areskine*, Sir *James Ferguson*, and Mr. *Hume Campbell*, were ordered to prepare and bring in the same; which bill was presented by Mr. *Plummer* on the 18th, but did not pass.

ON the 22d of *April*, the bill for the better securing the freedom of Parliaments, by limiting the number of officers in the house of Commons, was (according to order) read a second time; and a motion was made for its being committed, upon which there ensued a long debate; but as we have given the substance of the debates upon the same bill in former sessions, it is not necessary to give the substance of this new debate.

Speakers for  
and against  
the pension  
bill.

The speakers for committing the bill were, *John Pawlet*, Esq; member for *Wareham* in *Dorsetshire*, *John Berkley*, Esq; member for *Stockbridge* in *Hampshire*, *Daniel Boone*, Esq; member for *Ludgershall* in *Wiltshire*, *Thomas Littleton*, Esq; member for *Old Sarum* in *Wiltshire*, *Alexander Hume Campbell*, Esq; member for *Brecknockshire*, the Lord *Polwarth*, member for *Berwick*, the Master of the Rolls, *Samuel Sandys*, Esq; Sir *William Wyndham*, and Sir *John Hynd Cotton*: The speakers against it were, *George Fox*, Esq; member for *Hindon* in *Wiltshire*, *Stephen Cornwallis*, Esq; member for *Eye* in *Suffolk*, *Thomas Lewis*, Esq; member for *Portsmouth* in *Hampshire*, *Charles Hanbury Williams*, Esq; member for *Monmouthshire*, *Robert Byng*, Esq; member for *Plymouth* in *Devonshire*, *Patrick Lindsay*, Esq; member for *Edinburgh*, *James Ogletborpe*, Esq; member for *Haslemere* in *Surry*, *Joseph Danvers*, Esq; member for *Totness* in *Devonshire*, *Thomas Corbet*, Esq; member for *Salisbury* in *Cornwall*, *Henry Pelham*, Esq; member for *Sussex*, Lieutenant-General

*Wade*, member for *Bath* in *Somersetshire*, Sir *Robert Walpole*, and Mr. Solicitor-General.

Question.

The question being put for committing the bill, it was, upon a division, carried in the negative, by 216 to 192.

Debate on  
the bill for  
regulating  
quarters.

WE have already given an account of a motion made by the Lord *Carteret* in the house of Lords, for an address to his Majesty, 'That he would be pleased to give directions to the proper officer or officers, to lay before that house, the several allotments of quarters which had been made for his Majesty's land forces in *Great-Britain*, from the 25th day of *March* then last.' As this motion was agreed to, these allotments were accordingly laid before the house: And thereupon it was moved, and the judges were ordered, to prepare and bring in a bill, for regulating the quartering of soldiers, during the time of elections. This bill was accordingly prepared by them and presented to the house, being intitled, *An act for regulating the quartering of soldiers, during the time of elections of members to serve in Parliament*; and was as follows, viz.

Bill for re-  
gulating  
quarters.

WHEREAS, by the ancient common law of this land, all elections ought to be free: And whereas by an act passed in the third year of the reign of King *Edward* the first, of famous memory, it is commanded, upon great forfeiture, that no man by force of arms, nor by malice or menacing, shall disturb any to make free election: And for as much as the freedom of elections of members to serve in Parliament, is of the utmost consequence to the preservation of the rights and liberties of this kingdom: To the end therefore that the same may be safely transmitted to posterity, and for the avoiding any inconveniencies that may arise thereunto from any regiment, troop, or company, or any number



‘ number of soldiers which shall be quartered or billeted  
‘ within any city, borough, town or place, where any  
‘ election of any member or members to serve in Par-  
‘ liament, or of the sixteen Peers to represent the  
‘ Peerage of Scotland in Parliament, or any of them,  
‘ shall be appointed to be made.

‘ Be it enacted by the King’s most excellent Ma-  
‘ jesty, by and with the advice and consent of the  
‘ Lords Spiritual and Temporal, and Commons in  
‘ Parliament assembled, and by authority of the  
‘ same, that when and as often as any such election  
‘ shall be appointed to be made, the Secretary at  
‘ War for the time being (who is hereby required to  
‘ take notice of the time appointed for such elections  
‘ or election) shall and is hereby required, at some  
‘ convenient time before the day appointed for such  
‘ election, to issue and send forth proper orders in  
‘ writing for the removal of every such regiment,  
‘ troop or company, or other number of soldiers,  
‘ as shall be quartered or billeted in any such city,  
‘ borough, town or place, where such election shall  
‘ be appointed to be made: *And every such regiment,*  
‘ *troop, or company, or other number of soldiers as*  
‘ *aforsaid, shall, upon the receipt of such order, ac-*  
‘ *cordingly march out of every such city, borough,*  
‘ *town or place, one day at the least before the day*  
‘ *appointed for such election, to the distance of two*  
‘ *or more miles from such city, borough, town, or*  
‘ *place; and shall not make any nearer approach to*  
‘ *such city, borough, town or place as aforsaid,*  
‘ *until one day at the least after the poll to be taken*  
‘ *at such election shall be ended, and the poll books*  
‘ *closed.*

‘ And be it farther enacted, by the authority  
‘ aforsaid, That in case any officer or officers to  
‘ whom such order, from the Secretary at War for  
‘ the time being, (or other person to whom the issu-  
‘ ing out such order as is aforsaid shall belong)  
‘ shall be directed and delivered, shall neglect or re-

' fufe to caufe fuch regiment, troop or company, or  
 ' other number of fouldiers fo quartered or billeted,  
 ' as aforefaid, to march out of fuch city, borough,  
 ' town or place, at the time and to the place or  
 ' places in fuch order fpecified, and fhall be thereof  
 ' duly convicted upon an indictment, to be preferred  
 ' at the next affizes or feflions of oyer and terminer,  
 ' to be held for the county where fuch offence fhall  
 ' be committed, or an information to be exhibited  
 ' in the court of *King's-bench*, within fix months after  
 ' fuch offence committed; which information the  
 ' faid court of *King's-bench* is hereby impowered to  
 ' grant, every fuch officer fhall, for every fuch of-  
 ' fence, be forthwith cashiered and difplaced from  
 ' fuch his office, and fhall be thereby difabled to  
 ' have or hold any civil or military office or employ-  
 ' ment within this kingdom, or in any of his Ma-  
 ' jefly's dominions, and fhall likewise forfeit

' And if any officer or foldier, who fhall be ordered  
 ' or directed to march out, as aforefaid, fhall be found  
 ' in any fuch city, borough, town or place, during  
 ' the continuance of fuch election, as aforefaid, and  
 ' fhall be thereof duly convicted, upon an indict-  
 ' ment to be preferred at the next affizes or feflions  
 ' of oyer and terminer to be held for the county  
 ' where fuch offence fhall be committed, every fuch  
 ' officer fhall, for every fuch offence, forfeit the  
 ' fum. of

' Provided nevertheless, that nothing in this act  
 ' contained fhall extend, or be conftrued to extend,  
 ' to the cities of *London* or *Westminster*, or the bo-  
 ' rough of *Southwark*, for and in refpect of fuch  
 ' number of troops and fouldiers only, as are ufually  
 ' employed as guards to his Majefty's royal perfon,  
 ' or are ufually quartered or billeted near to the  
 ' place of his Majefty's refidence, nor to any city,  
 ' borough, town or place, where his Majefty, or  
 ' any of his royal family, fhall happen to be or re-  
 ' fide at the time of any fuch election, for or in re-  
 ' fpect

‘spect of such number of troops or soldiers only,  
 ‘as shall be attendant as guards to his Majesty, or  
 ‘to such other person of his Majesty’s royal family,  
 ‘as is aforesaid; nor to any castle, fort or fortified  
 ‘place, where any garrison is usually kept, for or  
 ‘in respect of such number of troops or soldiers only  
 ‘whereof such garrison is usually composed.

‘Provided likewise, that nothing in this act con-  
 ‘tained, shall extend or be construed to extend to  
 ‘any officer or soldier, who shall have a right to  
 ‘vote at any such election, as aforesaid, but that  
 ‘every such officer and soldier may freely, and  
 ‘without interruption, attend and give his vote at  
 ‘such election, any thing herein before contained to  
 ‘the contrary thereof notwithstanding.’

**O**N *Tuesday* the 15th day of *April*, the house of Amendment offered,  
 Lords went into a Committee on the said bill,  
 and the first enacting clause being read, the Earl of  
*Anglesey* stood up and took notice, ‘That if none  
 ‘but the Secretary at War should be obliged to send  
 ‘orders to the soldiers to withdraw at the time of  
 ‘an election, the intention of the bill might be easi-  
 ‘ly defeated; because if any future minister should  
 ‘have a design to over-awe any election, or any  
 ‘number of elections, he might get the Secretary at  
 ‘War removed just before the elections came on,  
 ‘and no new one appointed till after they were over;  
 ‘and as the bill then stood, any other person acting  
 ‘as Secretary at War, might refuse to issue such or-  
 ‘ders, by which the intention of the bill would be  
 ‘defeated; therefore he would propose, that after  
 ‘these words, *The Secretary at War for the time*  
 ‘*being*, the following words should be added, *viz.*  
 ‘*Or such other person to whom it shall belong.*’ Which  
 amendment was agreed to without any debate.

Then a motion was made for leaving out the se- Debate in relation to another amendment,  
 cond enacting clause, and consequently these words  
 in the first clause, *viz. And every such regiment,*

*troop or company, or other number of soldiers, as aforesaid, shall upon the receipt of such orders accordingly march.*

This occasioned a strenuous debate, in which the argument for the motion was in substance as follows, viz.

Argument  
for it.

‘ My Lords, by a bill which we have this session  
‘ passed into a law, I mean the bill against mutiny  
‘ and desertion, and the articles of war which are  
‘ settled and signed by his Majesty, in consequence  
‘ of that bill, we know, that every officer is obliged,  
‘ under very high penalties, to obey all such orders  
‘ as he shall receive from his Majesty’s Secretary at  
‘ War, or any person acting as such: Therefore I  
‘ must think it very unnecessary to lay the officers  
‘ under any new obligation, for giving obedience to  
‘ those orders, that are by this bill to be sent him  
‘ from the Secretary at War, with respect to his re-  
‘ moving from any place where an election is to be.  
‘ For this reason, my Lords, I am of opinion, that  
‘ the second enacting clause of this bill, which is  
‘ next to be read to your Lordships, ought to be  
‘ intirely left out, and instead thereof a clause insert-  
‘ ed, for laying penalties upon the Secretary at War,  
‘ or other person acting as such, who shall refuse or  
‘ neglect to issue orders, as directed by this act;  
‘ and if your Lordships agree with me in this opi-  
‘ nion, you must of course leave out of the clause  
‘ now read to you these words, to wit, *And every*  
‘ *such regiment, troop or company, or other number of*  
‘ *soldiers, as aforesaid, shall upon the receipt of such*  
‘ *orders accordingly march.*

‘ If any officer, my Lords, should disobey the  
‘ orders sent him upon any such occasion by the Se-  
‘ cretary at War, he might be tried by a court mar-  
‘ tial, and subjected to the punishment of mutiny,  
‘ which is a much more severe punishment than any,

‘ I



‘ I believe, your Lordships intend to inflict by this  
‘ bill ; therefore it is very unnecessary, nay it would  
‘ even seem a little ridiculous to make a new law,  
‘ for inflicting a punishment less severe than that  
‘ which is inflicted by a law we have already passed  
‘ this very session of Parliament ; and it would be  
‘ a great hardship upon officers to subject them to so  
‘ many different sorts of trials for one and the same  
‘ crime : Besides, my Lords, the regulation, as it  
‘ stands at present in the bill, might be attended  
‘ with very great inconveniences ; for if every offi-  
‘ cer were laid under an absolute necessity, not only  
‘ to remove out of the town, but not to return to it  
‘ upon any account during the time of an election, it  
‘ would be impossible for the civil power to have  
‘ the assistance of the troops in case any great tu-  
‘ mult or riot should happen at an election : Nay,  
‘ the enemies of the government might take the op-  
‘ portunity of an election for a new Parliament, to  
‘ assemble and form themselves into great bodies, at  
‘ those places where they knew the troops could not  
‘ come to disturb them, by which means, they might  
‘ be enabled to begin a general insurrection, and  
‘ might come to a very great head before his Ma-  
‘ jesty could make any use of those troops which are  
‘ given him by Parliament, for preserving the tran-  
‘ quillity of the kingdom : Even our enemies abroad  
‘ might take an occasion to invade us, and to land  
‘ their troops at some of our towns upon the sea  
‘ coast during the time of an election, when, if this  
‘ bill as it now stands should pass into a law, none  
‘ of his Majesty’s troops could come within two  
‘ miles of the place, to dispute or prevent their  
‘ landing.

‘ These considerations, my Lords, convince me,  
‘ that no one of your Lordships will be for allowing  
‘ this clause to stand as it is in the bill, without  
‘ making some conditional provision or exception ;  
‘ and I cannot comprehend how any such can be  
‘ made,



' made, without subjecting the nation to greater dan-  
 ' gers than those we propose by this bill to avoid;  
 ' for, if we make an exception, that the troops shall  
 ' leave the town, and shall not return, unless some  
 ' great danger happens, or is to be apprehended,  
 ' we must give a power to some person or other to  
 ' judge when that condition exists; and where to  
 ' lodge this power, does not to me seem easy to de-  
 ' termine: To lodge such a discretionary power in  
 ' the returning officer, or in any other magistrate of  
 ' a little borough, would certainly be of the most  
 ' dangerous consequence to the freedom of elections;  
 ' and it would be as dangerous to lodge it by an  
 ' express law in the breast of the returning officer.  
 ' Thus, to make this restraint absolute, may embroil  
 ' the nation in civil wars; and to make it conditional,  
 ' may endanger the freedom of our elections; for  
 ' which I must think it much better to lay the officers  
 ' under no restraint or obligation, but that which  
 ' they are now under by the material law, and the  
 ' mutiny bill we have already passed: By them the  
 ' officers will always be obliged to obey the orders  
 ' they receive from the Secretary at War, unless  
 ' some very sudden and unforeseen accident makes  
 ' it absolutely necessary for them to act otherwise;  
 ' and in acting otherwise, they will always be ex-  
 ' tremely cautious, because if they are not able to  
 ' make the necessity clearly appear, they will thereby  
 ' subject themselves to the laws against mutiny.

' I know, my Lords, it may be said, that as trials  
 ' by courts martial are very much under the direc-  
 ' tion of the crown, tho' an officer should, on occa-  
 ' sion of an election, disobey the orders he had re-  
 ' ceived from the Secretary at War, it would be in  
 ' the option of the crown, or the ministers of the  
 ' crown, whether or no he should be tried before a  
 ' court martial for such disobedience; and conse-  
 ' quently, that some officers would be ready to dis-  
 ' obey them, as often as they knew that the orders

' were

‘ were sent only in obedience to the law, but that it  
 ‘ was not intended or expected they should obey  
 ‘ them; but it is certain, that no officer, would ven-  
 ‘ ture to disobey such orders without private instruc-  
 ‘ tions in writing, under the hand of some superior  
 ‘ minister; and to suppose that any minister would  
 ‘ venture to give such instructions under his hand  
 ‘ in writing, or that many officers would observe  
 ‘ such private instructions, are suppositions which, in  
 ‘ my opinion, there is not the least ground to make;  
 ‘ nay, I think it is almost impossible for us to make  
 ‘ any such, if we consider, that if any officer should  
 ‘ behave in such an illegal manner, or if any such  
 ‘ private instructions should ever be divulged, a com-  
 ‘ plaint would certainly be made in Parliament  
 ‘ against such officer or such minister, and both  
 ‘ might expect the highest punishment the Parlia-  
 ‘ ment could inflict.

‘ But, my Lords, suppose that an officer could, in  
 ‘ such case, hope to evade all punishment before a  
 ‘ court martial or in Parliament, yet even as the  
 ‘ law stands at present, he could not hope to evade  
 ‘ all manner of punishment; for if any officer  
 ‘ should remain in, or return to any town, during the  
 ‘ time of an election, and should make use of the  
 ‘ troops under his command for over-awing the  
 ‘ election, he might be indicted even at common law  
 ‘ upon the statute of *Edward the 1st*, called *West-*  
 ‘ *minster the first*; by the 5th chapter of which it is  
 ‘ declared, That no man shall by force of arms, by  
 ‘ malice, or by menaces, disturb the freedom of any  
 ‘ election, under the pain of grievous fine and im-  
 ‘ prisonment; which is so severe a punishment, that  
 ‘ it is not to be supposed any officer would subject  
 ‘ himself to it, at the desire of any minister, espe-  
 ‘ cially, if such officer were a gentleman of fortune  
 ‘ and figure in his country, as most of our officers  
 ‘ are at present, and I hope always will be.

‘ I hope, my Lords, I have now clearly shewn,  
 ‘ that there is no necessity for laying the officers of  
 ‘ the army under any of the restraints or penalties  
 ‘ proposed by this bill, because they are already un-  
 ‘ der as great restraints and penalties, as can be sup-  
 ‘ posed necessary for preventing their attempting to  
 ‘ over-awe any election, either by staying in, or re-  
 ‘ turning to, the place where there is an election, or  
 ‘ by making use of the troops under their command,  
 ‘ for disturbing the freedom of the election ; and as  
 ‘ it must be granted, that the restraints proposed by  
 ‘ this bill would expose us to great dangers and in-  
 ‘ conveniences, therefore I doubt not but your Lord-  
 ‘ ships will agree to the amendment I shall propose  
 ‘ upon reading the next clause ; and for this reason,  
 ‘ you must agree to leave out those words which I  
 ‘ have proposed to be left out of the clause now be-  
 ‘ fore you.’

It was answered to the following effect, *viz.*

Answer.

‘ By the amendment now offered, my Lords,  
 ‘ the intention of the present bill, and indeed of  
 ‘ all such bills, seems to be very much misun-  
 ‘ derstood ; for it is certain, that all bills of the  
 ‘ same nature with that now before us, are designed  
 ‘ as limitations and restrictions upon the power of  
 ‘ the crown, or rather upon the power of ministers  
 ‘ acting under the crown. During his present Ma-  
 ‘ jesty’s reign we are certain, that no incroachments  
 ‘ will be made upon the freedom of elections, by  
 ‘ means of the army, or by any other means ; but  
 ‘ this ought not to prevent our making such regula-  
 ‘ tions, as may appear necessary for preventing such  
 ‘ incroachments in any future reign ; and as it has  
 ‘ always been supposed, that troops quartered, or  
 ‘ remaining in any town, during the time of an  
 ‘ election, might be some sort of incroachment upon  
 ‘ the freedom of that election ; therefore ever since

‘ we

' we had any such thing as a standing army in this  
 ' island, the ministers of the crown have thought  
 ' themselves, in common prudence obliged to order  
 ' the troops to remove from every town, where  
 ' there happened to be an election, and not to return  
 ' to that town till the election was quite over. This  
 ' has hitherto been left to the prudence and discre-  
 ' tion of the ministers for the time being ; and the  
 ' reason of doing so was, that we have never yet  
 ' been certain, that a standing army would be kept  
 ' up for any succeeding year ; but now that we have  
 ' continued a numerous standing army for so many  
 ' years, and are like to continue it for years to come,  
 ' it was thought proper not to leave that to the pru-  
 ' dence of ministers, which might, in some future  
 ' reign, be made use of for the overturning of our  
 ' constitution ; and therefore this house agreed to the  
 ' motion which was made, for ordering the judges  
 ' to bring in the bill now before us : For this reason  
 ' I must think, my Lords, that it was the opinion  
 ' of this house that we ought, by an express law, to  
 ' put it out of the power of any future administra-  
 ' tion, to neglect doing that, which all former ad-  
 ' ministrations have, in regard to our constitution,  
 ' thought themselves, in common prudence, obliged  
 ' to do.

' This, my Lords, was certainly your opinion,  
 ' when you agreed to the order for bringing in this  
 ' bill ; but from this opinion we must now depart,  
 ' or we must disagree with the noble Duke in the  
 ' amendment, which he has been pleased to offer ;  
 ' for if your Lordships design by a new law, to lay  
 ' a restriction or limitation upon the ministers of the  
 ' crown, the execution of that law is not surely to  
 ' be intrusted with those upon whom that re-  
 ' striction or limitation is designed to be laid ; which  
 ' would be the case, if the motion now made to us  
 ' should be agreed to. It is true, the officers of the  
 ' army are, by the mutiny bill and the articles of  
 ' war,

' war, obliged to obey such orders as they may  
 ' from time to time receive from his Majesty's Se-  
 ' cretary at War, and in case of disobedience, they  
 ' are subjected to very great punishments; but for  
 ' this disobedience, they are to be tried only by a  
 ' court martial, and whether any such court shall be  
 ' appointed, or whether any such officer shall be  
 ' tried before such court when appointed, is intirely  
 ' in the power of the crown, or more properly of  
 ' the ministers acting under the crown, who are the  
 ' very persons whose power was designed to be li-  
 ' mited when this bill was proposed. Can we then  
 ' suppose, my Lords, that an officer who disobeyed  
 ' such orders at the desire of a chief minister, would  
 ' ever be brought before a court martial, or tried  
 ' for such disobedience? Your Lordships cannot  
 ' surely suppose any such thing; and therefore you  
 ' cannot, in my opinion, agree to the amendment  
 ' now proposed, unless you have departed from the  
 ' design you had, when the order for bringing in  
 ' this bill was agreed to.

' But farther, my Lords, let us consider who are  
 ' the judges upon every court martial; they are all of-  
 ' ficers of the army, judges, whose commissions de-  
 ' pend absolutely upon the pleasure of the crown; and  
 ' shall we leave any thing relating to the freedom of  
 ' elections, upon which the preservation of our con-  
 ' stitution so much depends, to be tried only before  
 ' such judges? The noble Duke has told us, that an  
 ' officer may, upon any sudden and unforeseen emer-  
 ' gency, disobey, or act contrary to, the orders he  
 ' receives from the Secretary at War; and, is it  
 ' not to be presumed, that a court martial, composed  
 ' of such judges, will admit of any emergency, as  
 ' a sufficient excuse for disobeying such orders, when  
 ' they know that such disobedience proceeded from  
 ' private instructions, given by a principal minister  
 ' of state? Surely we have not yet forgot what was  
 ' one of the principal grievances complained of be-  
 ' fore



' fore the revolution ; what was one of the first  
 ' things redressed by the revolution : The general  
 ' complaint was, and it was a complaint but too well  
 ' grounded, that the judges commissions were all  
 ' during pleasure ; and therefore they were too apt  
 ' to follow the directions they received from the  
 ' crown, in any affair, where the ministers thought  
 ' fit to give directions : Have not we then good  
 ' reason to be afraid that the judges upon a court-  
 ' martial may, in future times, do as other judges  
 ' during pleasure have done in times past ? And  
 ' shall we leave an incroachment upon the freedom  
 ' of our elections, to be punished only by such  
 ' judges ? Your Lordships did not certainly intend  
 ' any such thing, when you gave orders for drawing  
 ' up the bill now before us ; and therefore the learn-  
 ' ed judges have very wisely drawn it up, in such a  
 ' manner as to subject the disobedience of an officer,  
 ' in the case now before us, to a trial at common  
 ' law, which is the only method by which the bill  
 ' can be made effectual.

' That the subjecting of an officer to several sorts  
 ' of trials for the same crime, would be a hardship  
 ' upon the officers of the army, cannot, my Lords,  
 ' be an argument of any weight, when we consider  
 ' that the preservation of our constitution is in the  
 ' other scale : It has, in many cases, been thought  
 ' necessary to subject the gentlemen of the army to  
 ' be tried by the common law, as well as by a court  
 ' martial : Even by the mutiny bill itself, if any of-  
 ' ficer or soldier shall take quarters against law, or  
 ' shall disturb his quarters, he is made liable to be  
 ' tried by the quarter-sessions ; and if upon such  
 ' trial he be found guilty, if an officer, he is to be  
 ' immediately cashiered : And I hope your Lordships  
 ' will think that an officer's disturbing the freedom  
 ' of an election, is an affair of greater consequence  
 ' than that of disturbing his quarters ; and that there-  
 ' fore you will not think it a hardship to subject him

to

‘ to a trial at common law, in the one case as well as  
‘ the other.

‘ As to the dangers and inconveniences to which  
‘ it is pretended we may be exposed, by laying offi-  
‘ cers under an absolute necessity of removing from  
‘ any place where there is to be an election, and not  
‘ returning till that election be over, they are found-  
‘ ed, my Lords, upon suppositions, I am sure much  
‘ more unreasonable than that of supposing, that  
‘ some minister may hereafter do what he ought not  
‘ to do: For to suppose that any such number of  
‘ men can meet at any election, as may endanger  
‘ the government; to suppose that all those men are  
‘ such as will risque their lives and their fortunes, by  
‘ joining in an insurrection; to suppose that they are  
‘ all regularly armed and prepared for war; and to  
‘ suppose that this concert can be carried on without  
‘ the government’s hearing a word of it before the  
‘ day of election; is carrying suppositions, I must  
‘ say, a great length, and endeavouring to persuade  
‘ us, to leave ourselves exposed to real dangers, by  
‘ frightening us with those which are altogether ima-  
‘ ginary. Then with respect to invasions; to sup-  
‘ pose that an invasion may be made, and the troops  
‘ landed just at the time, and at the very place where  
‘ an election happens to be carrying on, we must  
‘ first suppose, that an express has gone over to let  
‘ the enemy know the day appointed for the elec-  
‘ tion; that after their receiving this account they  
‘ embark their troops, sail, and meet with such a  
‘ favourable wind as to bring them directly to the  
‘ place where the election is, on the very day it be-  
‘ gins, or within a few days after; and to suppose  
‘ that all this may be done in such a short time as  
‘ what usually intervenes between the appointing of  
‘ the day of election, and that day’s coming on, is  
‘ really carrying suppositions a most extravagant  
‘ length. But, my Lords, if these were supposi-  
‘ tions

' tions that could be made, they would be of no  
 ' weight in the present debate ; for it is in all cases  
 ' a certain maxim, that *Inter Arma silent Leges*.  
 ' Upon any such occasion, the troops not only  
 ' might, but ought to march into the town where  
 ' an insurrection or invasion happens, notwithstanding  
 ' its being at the time of an election, notwithstanding  
 ' the law now proposed, and notwithstanding  
 ' any law that is or can be made: In times of  
 ' such danger men are always indemnified for what  
 ' they may be obliged to do against the letter of the  
 ' law, and a particular act of Parliament for that  
 ' purpose, has always been passed as soon as the  
 ' danger was over.

' As for any little riots or tumults that may hap-  
 ' pen at the time of an election, I cannot see, my  
 ' Lords, why there is any more danger to be ap-  
 ' prehended from them now than there was former-  
 ' ly, when we had no such thing as regular troops,  
 ' either to prevent their happening, or to quell them  
 ' when they did happen. In former times, the ci-  
 ' vil power was always found sufficient for prevent-  
 ' ing riots, or for quelling them and punishing the  
 ' authors of them ; and considering the severe law  
 ' against riots, which was lately made, and is still  
 ' in force, I am sure it cannot be said, that the ci-  
 ' vil power is now less sufficient for that purpose  
 ' than it was formerly. Besides, my Lords, we all  
 ' know, that a riot or tumult at an election makes  
 ' it a void election ; therefore it is always the busi-  
 ' ness of those who have the strongest party, to en-  
 ' deavour to prevent all such ; and, indeed, there is  
 ' seldom or never any great riot happens, but what is  
 ' occasioned by those who have a mind to make the  
 ' election void, or by the magistrates, who preside  
 ' at the election, doing some signal injustice to the  
 ' electors ; but supposing that there may happen  
 ' now and then a few broken heads or bloody no-  
 ' ses at an election, are we, on that account, to

‘ have all our elections carried on under the terror  
‘ and influence of a regiment of soldiers? Or are  
‘ we to give them a pretence to be present at all our  
‘ elections, or to give every little magistrate, or per-  
‘ haps a custom-house officer, a power to call them  
‘ in when he has a mind?

‘ Even the noble Lords who have spoke for the  
‘ amendment, seem to think it dangerous to give  
‘ by law, to any returning officer, or magistrate of  
‘ a little borough, a power to call in the troops du-  
‘ ring the time of an election whenever he pleases;  
‘ and they likewise seem to think it dangerous to  
‘ give, by law, a power to the officers themselves  
‘ to remain in, or return to, the place where an  
‘ election happens to be, whenever they think it ne-  
‘ cessary; yet by the amendment they propose, the  
‘ commanding officer for the time, is to be vested  
‘ with this very power: The secretary at war, indeed,  
‘ is to be obliged to send his orders for the troops to  
‘ remove; but, as the noble Lords themselves have  
‘ explained it, the commanding officer may disobey  
‘ these orders in case of any sudden and unforeseen  
‘ emergency, without running any risque of being  
‘ tried or punished by a court-martial for such dis-  
‘ obedience; and we may depend on it, that such  
‘ emergencies will never be wanting, when a prime  
‘ minister has a mind that the troops should remain  
‘ in, or return to the place where an election is car-  
‘ rying on: Nay, it will always be in the power of  
‘ any returning officer, or magistrate of a little bo-  
‘ rough, or of any custom-house or excise officer, to  
‘ furnish the commanding officer of the troops with  
‘ such an emergency; for we know that the troops  
‘ have always a general order to be assisting to the  
‘ civil power, and likewise to all officers of the re-  
‘ venue; and therefore the returning officer may at  
‘ all times pretend that he is apprehensive of a tu-  
‘ mult, and may demand the assistance of the troops;  
‘ or a custom-house or excise officer, may demand  
their

‘ their assistance in seizing or searching for smuggled goods ; and this will be a sudden and unforeseen emergency, that will always excuse the commanding officer of the troops, for disobeying the orders he receives from the secretary at war, when any prime minister but insinuates, that such excuse should be admitted of by the court-martial, in case the officer should ever be brought to a trial, for any such disobedience.

‘ I am really surpris’d, my Lords, to find those who are so apprehensive of insurrections and invasions, and so very apt to suppose dangers from thence arising, at the same time shewing themselves so very little apprehensive of the designs of future ministers, and so unwilling to suppose, that the constitution of this kingdom, and the liberties of the people, can ever be in any danger from such designs. I am sure, my Lords, there is nothing more natural, than to suppose, that we may have in some future reign, an ambitious, rapacious, or wicked minister ; and as the safety of such a minister, can consist in nothing so much as in destroying the freedom of our elections, we must necessarily suppose, that he will leave no stone unturned for accomplishing that wicked purpose ; therefore we must likewise necessarily suppose, that he will send such private instructions, as have been mentioned, to the commanding officers of the troops, in all places where he cannot influence the election by any other illegal means ; and as such a minister may probably have the sole management of his master, it is well known what lengths some officers may go, rather than risque their commissions, by disobeying his private commands, or in order to recommend themselves to his favour for preferment : Such an illegal obedience to ministerial instructions is not, indeed, to be apprehended from the present officers of our army, but they are not immortal ; and we do not, we cannot



‘ know by what sort of men they may be succeed-  
 ‘ ed ; therefore I think it is absolutely inconsistent  
 ‘ with the preservation of our constitution to leave  
 ‘ those officers, who may hereafter incroach upon  
 ‘ the freedom of our elections, to be tried only by  
 ‘ those who may be guilty of the same crime, and  
 ‘ at the sole pleasure of those whose interest it may  
 ‘ be, whose safety may depend upon it, either not  
 ‘ to try them at all, or to try them only in order  
 ‘ to acquit them.

‘ A prosecution in Parliament is not to be appre-  
 ‘ hended, my Lords, either by officers or ministers,  
 ‘ when by such illegal means they have got a Parlia-  
 ‘ ment to their own liking ; and as to officers being  
 ‘ subject to a trial at common law, upon the statute  
 ‘ of *Edward Ist*, I must observe, that if an offi-  
 ‘ cer or any other, should commit a breach of the  
 ‘ peace, by openly endeavouring to over-awe an elec-  
 ‘ tion, or by openly intimidating any returning offi-  
 ‘ cer or elector, he might be indicted, tried and pu-  
 ‘ nished at common law upon that statute ; but no  
 ‘ officer or soldier can be indicted, tried and punish-  
 ‘ ed at common, by virtue of that or any other sta-  
 ‘ tute, for not removing from the place, or for re-  
 ‘ turning to the place, where an election is carrying  
 ‘ on ; and the design of this bill is, at least I always  
 ‘ took the design of it to be, to prevent the officers or  
 ‘ soldiers being present in any town or place upon  
 ‘ any such occasion ; for if they are allowed to be  
 ‘ present, they may fall upon twenty ways to influ-  
 ‘ ence, and even to over-awe the election, without  
 ‘ its being possible to prove any overt act against  
 ‘ them, so as to indict them at common law upon  
 ‘ the statute of *Edward the Ist*.

‘ This was, my Lords, what made the bill now  
 ‘ before us necessary ; the design of the motion was,  
 ‘ and when your Lordships agreed to that motion,  
 ‘ I must think your design was, to make it criminal  
 ‘ in any officer or soldier, to be present in any place  
 ‘ during

‘ during the time of an election, unless he was there  
 ‘ as an elector ; but if your Lordships agree to the  
 ‘ amendment now proposed, you alter the whole in-  
 ‘ tention of the bill ; you make it, indeed, criminal  
 ‘ in the secretary at war, not to issue such orders as  
 ‘ are directed by the bill, but you do not make it  
 ‘ criminal in an officer or soldier to be present in  
 ‘ any place during the time of an election ; at least,  
 ‘ you do not make it a legal crime for which he may  
 ‘ be tried at common law : Nay, in my opinion, it  
 ‘ will not be so criminal, after the passing of this bill,  
 ‘ as it was before ; for before the bringing in of this  
 ‘ bill, an officer did not know but that he might be  
 ‘ brought to a trial at common law, if he remained  
 ‘ in any town, or returned to it during the time of  
 ‘ election ; whereas hereafter, if he remains in the  
 ‘ town, if he brings his regiment, troop or compa-  
 ‘ ny to the very place of election, and plants cen-  
 ‘ tries to attend the poll-books, he knows how he is  
 ‘ to be tried ; he is to be tried by his brother officers  
 ‘ in a court-martial, and I do not know but their sen-  
 ‘ tence may be pleaded in bar, to any future indict-  
 ‘ ment brought against him upon the statute of *Ed-*  
 ‘ *ward* the Ist ; for what interpretations may here-  
 ‘ after be put upon this law, cannot now be so easi-  
 ‘ ly determined : And therefore, I hope your Lord-  
 ‘ ships will pass the bill in the same shape the learned  
 ‘ judges have brought it in, unless some more con-  
 ‘ vincing reason than any I have yet heard should be  
 ‘ given, for turning it into a shape very different  
 ‘ from that in which it is at present.’

The reply was in substance, as follows, *viz.*

‘ My Lords, what was the design of other Lords, *Reply.*  
 ‘ when they moved for, or agreed to, the order for  
 ‘ bringing in this bill, I shall not pretend to deter-  
 ‘ mine ; but all I thought was intended, either by  
 ‘ the motion or order, was, to lay ministers in time

‘ to come, under a legal obligation of doing that  
‘ which ministers in time past have always done  
‘ without any obligation, but what arose from the  
‘ great regard they have always shewn to the free-  
‘ dom of our elections. From this regard, care has  
‘ always hitherto been taken, when there was to be  
‘ an election at a place where any troops were quar-  
‘ tered, to send orders for the troops to remove to  
‘ some other place during the time of the election;  
‘ and all I expected was to be done by the law pro-  
‘ posed, was, to enact, that such orders should al-  
‘ ways be sent upon every such future occasion. This  
‘ was my only design, when I agreed to the order  
‘ for bringing in this bill; and this design would be  
‘ fully accomplished by the bill, when amended as  
‘ has been proposed. I never indeed once imagined,  
‘ that the officers and soldiers should be absolutely  
‘ banished from any such place during the time of an  
‘ election; I could not imagine, that it was to be  
‘ made highly criminal in any officer to appear as a  
‘ private gentleman in any such place, in order to  
‘ visit his friends in the town, or to drink a glass  
‘ with any gentleman of his acquaintance, who might  
‘ perhaps come into town upon that occasion; and  
‘ I must think, that the passing of such a law would  
‘ really be doing them a very great injury; it would  
‘ be treating them as enemies, not as subjects;  
‘ whereas, while our army continues upon its pre-  
‘ sent footing, I think both the officers and soldiers  
‘ ought to be looked on, not only as subjects, but as  
‘ subjects as much concerned as any other in the pre-  
‘ servation of our constitution, and of the freedom  
‘ of our elections.

‘ I was likewise, my Lords, far from supposing,  
‘ or ever designing, that it should, by law, be put  
‘ absolutely out of the power of the troops to remain  
‘ in the town, or to return to the town where an  
‘ election happened to be, even in a case of the ut-  
‘ most

‘ must necessity and danger ; for, though I do not  
‘ think we need be at present under any very great  
‘ apprehensions of insurrections or invasions, yet I  
‘ think we ought not to pass a law, which may tend  
‘ directly to encourage them : It cannot, ’tis true,  
‘ be supposed, that any such great number of men  
‘ can meet at any one place of election, as may en-  
‘ danger the government ; but such a great number  
‘ may meet in a few days at the place of an election,  
‘ and may form themselves into such a regular body,  
‘ if they have but two or three days time for that  
‘ purpose, as to put it out of the power of the troops  
‘ in that neighbourhood to disperse them ; nay, as  
‘ to oblige the troops in that neighbourhood to march  
‘ off and leave them ; by which means two or three  
‘ such bodies of men, formed at different places in  
‘ the time of a general election, may be able to join  
‘ together, and thereby form such a body as might  
‘ endanger the government : Then as to invasions,  
‘ the very day of an election at any of our sea-port  
‘ towns, cannot indeed be known till after it is ap-  
‘ pointed ; but after the writs are issued for a new  
‘ Parliament, the days of election may be nearly  
‘ guessed at, and a foreign enemy, by good intelli-  
‘ gence, might very easily take their measures, so  
‘ as to come to land at some of our sea-port towns  
‘ on the very day of election ; upon such an emer-  
‘ gency, the officer would certainly be excused if he  
‘ marched his troops into town, in order to attack  
‘ them ; but till they began to land, he would not  
‘ venture the breach of such a severe law, and after  
‘ their having began to land, it would be too late  
‘ for him to march from the quarters assigned him  
‘ during the time of election, which might proba-  
‘ bly be at three or four miles distance from that  
‘ town.

‘ With respect to tumults and riots, my Lords,  
‘ the reason of the severe law against them is very  
‘ well known, and may be remembered by several

of your Lordships: At that time, even with the  
 assistance of the regular troops, the civil power  
 was seldom or ever able to quell the riots and tu-  
 mults that happened, till after they had done much  
 mischief; and if the regular troops were quite out  
 of the case, I am convinced we should, at many  
 elections, have such tumults as could not be soon  
 quelled by the civil power, though now armed  
 with such a severe law; for your Lordships must  
 consider, that such tumults or riots are seldom  
 made, by those who have a right to vote at any  
 election; and it often happens that those candidates,  
 who have the majority of the mob upon their side,  
 have the majority of legal voters against them; at  
 all which places, it is probable, we should have  
 dangerous and very mischievous tumults, if the  
 mob were assured, that the regular troops could  
 not be brought against them: They would very  
 much despise the proclamation against riots, if they  
 knew that there was no armed force, sufficient for  
 putting the law in execution, after that proclama-  
 tion was read.

As it might be of the most dangerous conse-  
 quence, by an express law, to lay an absolute and  
 a peremptory obligation upon the troops, not to  
 remain in, or return to, any town, during the time  
 of an election, notwithstanding the greatest neces-  
 sity and danger; so, my Lords, it might be of the  
 most dangerous consequence, by an express law, to  
 give a power to the troops to remain in, or return  
 to such a town, whenever they thought there was  
 any necessity for their so doing; but I hope your  
 Lordships will consider, that there is a very great  
 difference between a power given by act of Parlia-  
 ment, and that power which arises from the im-  
 mediate necessity a man is under: In the first  
 case, the prosecutor must shew, that the person  
 prosecuted exceeded the power given him by  
 law, which, in many cases, could not be so easily  
 done;



done ; in the last, the person prosecuted will certainly be condemned, unless he can shew, to the satisfaction of the court, the necessity he was under : Thus, by the amendment now proposed, the Secretary at War is to be obliged to send his orders to the troops to remove ; and, by another law passed this session, the troops are obliged, under very severe penalties, to obey those orders ; nothing then can excuse their disobedience, but some very unforeseen and dangerous emergency ; and that emergency must be made appear to the court, by the officers who are guilty of such disobedience.

I am as sensible, my Lords, and as much apprehensive of the dangers to which we may be exposed, by the designs of wicked ministers, as any Lord in this house, and shall always be for using all proper precautions against the designs of such. For this reason I agreed to the bringing in of this bill ; and as I am of opinion that the amendment now offered, will not derogate, in the least, from its efficacy against such designs, therefore I can make no difficulty in agreeing to it ; for by the bill, when amended as proposed, it will be impossible for any minister to incroach upon the freedom of our elections, by means of the army, unless we suppose all the officers of our army so abandoned, as to sacrifice their honour, their conscience, and their country, to the favour of a minister ; which is a supposition, I am sure, we have no ground to make from past experience : As the officers of our army must always be subjects of *Great-Britain*, we cannot suppose such a general depravity of manners among them, without supposing the same depravity among all other ranks of men in this kingdom ; and against such a depravity it is impossible to provide : Ministers will always have it in their power to bestow preferments and rewards, upon judges at common law, as well as upon officers

‘ cers of the army ; and in case of such a general  
 ‘ depravity, we must suppose the former infected  
 ‘ with it as well as the latter ; in which case, the  
 ‘ freedom of our elections would be no better secu-  
 ‘ red, by subjecting the officers to a trial at common  
 ‘ law, than by subjecting them to a trial before a  
 ‘ court martial.

‘ ’Tis true, my Lords, it has always been thought  
 ‘ improper to have regular troops in any place where  
 ‘ an election is carrying on ; and in this general  
 ‘ opinion I readily join ; I do think it is impro-  
 ‘ per, but I cannot think it quite so dangerous as it  
 ‘ has, in this debate, been represented ; for really I  
 ‘ cannot well form to myself an idea of any practi-  
 ‘ ces that either officer or soldier could be guilty of,  
 ‘ for over-awing, or incroaching upon, the freedom  
 ‘ of an election, without exposing themselves to an  
 ‘ indictment upon the statute of *Edward* the first. I  
 ‘ am sure, if they threatened any elector, or, by  
 ‘ force, prevented any elector from coming to give  
 ‘ his vote, that elector would be a good evidence for  
 ‘ the King ; upon his single oath, a bill of indict-  
 ‘ ment would probably be found by the grand jury,  
 ‘ and I do not know but upon his single evidence,  
 ‘ if corroborated with any circumstances, they might  
 ‘ be found guilty upon the trial ; so that I am apt  
 ‘ to believe, it would be impossible for the officers  
 ‘ or soldiers, to make use of any such practices, as  
 ‘ would be effectual for over-awing, or giving a turn  
 ‘ to an election, without exposing themselves to a  
 ‘ certain danger, not only of being prosecuted, but  
 ‘ of being convicted at common law, upon the sta-  
 ‘ tute I have mentioned ; and therefore, unless we  
 ‘ suppose a minister to have the direction of our  
 ‘ courts of law, as well as of our courts martial,  
 ‘ I doubt much if he could prevail upon many of-  
 ‘ ficers to join with him, in over-awing or incroach-  
 ‘ ing upon the freedom of our elections.

‘ That

‘ That the bill now before us, or the amendment  
 ‘ proposed, should in the least derogate from the  
 ‘ statute of *Edward* the first, is what I cannot, my  
 ‘ Lords, apprehend : If an officer disobeys the or-  
 ‘ ders of the Secretary at War, and remains in, or re-  
 ‘ turns to, any town, during the time of an elec-  
 ‘ tion, he is, for such disobedience, to be tried by a  
 ‘ court martial ; but for any incroachment upon the  
 ‘ freedom of an election, he is not surely to be tried  
 ‘ by a court martial ; and therefore no trial by a  
 ‘ court martial can ever be pleaded in bar, to an in-  
 ‘ dictment upon the statute of *Edward* the first.  
 ‘ By that statute, he may still be tried at common  
 ‘ law, if he openly incroaches upon the freedom of  
 ‘ any election ; and by the bill now before us, when  
 ‘ amended as proposed, he may be tried by a court  
 ‘ martial, and severely punished, if he keeps the  
 ‘ troops in the town, or returns to the town where  
 ‘ an election is carrying on, without a very immedi-  
 ‘ ate necessity for his so doing : By these two methods,  
 ‘ I think, the freedom of our elections will be suffi-  
 ‘ ciently secured, against all incroachments from our  
 ‘ army ; and therefore I shall be for agreeing to the  
 ‘ amendment proposed.

The question being then put for agreeing to the Question.  
 amendment, it was, upon a division, carried in the  
 affirmative, by 70 to 35.

The motion for the amendment, was made by Speakers.  
 the Duke of *Newcastle*, and supported by the Earl  
 of *Cholmondeley*, the Earl of *Warwick*, the Lord  
*Hardwick*, and the Lord Chancellor : It was oppo-  
 sed by the Earl of *Aylesford*, the Earl of *Abingdon*,  
 the Earl of *Anglesea*, the Earl of *Chesterfield*, the  
 Earl of *Scarborough*, the Lord *Onslow*, the Earl  
 of *Winchelsea*, the Lord *Bathurst*, and the Lord  
*Carteret*.

At

Motion for  
another  
amendment.

At last the preamble of the said bill was read (the preamble being always the last part of the bill which is read in the committee upon the bill) and a motion was made, that these words, *viz.* ‘ To the end  
‘ therefore that the same may be safely transmitted  
‘ to posterity, and for the avoiding any inconveni-  
‘ ences that may arise thereunto, from any regi-  
‘ ment, troop, or company, or any number of sol-  
‘ diers, which shall be quartered or billeted within  
‘ any city, borough, town or place, where any  
‘ election of member or members to serve in Parlia-  
‘ ment, or of the sixteen Peers to represent the Peer-  
‘ age of *Scotland* in Parliament, or of any of them,  
‘ shall be appointed to be made,’ should be left  
out; and that, instead of them, these words, *viz.*  
‘ That it hath been the *constant* usage and practice,  
‘ to cause any number of soldiers, quartered in any  
‘ place appointed for electing members to serve in  
‘ Parliament, to remove out of the same during the  
‘ time of election,’ should be substituted.

Upon this motion there was another debate, in which the argument for the motion was in substance thus, *viz.*

Argument  
for it.

‘ My Lords, I have joined heartily with your  
‘ Lordships, in every step that has been taken, to-  
‘ wards the bringing in and passing the bill now be-  
‘ fore us, and shall be ready to join in every future  
‘ step, that may be necessary for completing so  
‘ good a work; but, my Lords, there is one con-  
‘ sideration that has all along given me a good deal  
‘ of concern; and the present I take to be the pro-  
‘ per time for explaining myself to your Lordships,  
‘ and for offering something to obviate the only in-  
‘ convenience that is to be apprehended from the  
‘ bill, as it now stands. It is an opinion, my Lords,  
‘ that almost universally prevails without doors, that  
‘ no bill of this nature is ever brought into Parlia-  
‘ ment,

ment, much less passed into a law, but for remedying some grievance that has been felt and complained of. 'Tis true your Lordships may, and do often, from your prudence and foresight, order bills to be brought in, and pass laws for the preventing of grievances in time to come, though no such grievance has before been felt or complained of; but those who are not acquainted with your method of proceeding in this respect; those who are unacquainted with the motives, which may have induced you to bring in or pass any such bill; are always more apt to impute it to your experience, in times past, than to your precaution for time to come: This consideration has, all along, given me great concern; I am afraid that evil-minded people may, from our passing of this bill, take occasion to throw unjust reflexions upon his Majesty's government, as if some use had lately been made of the troops, for over-awing or incroaching upon the freedom of elections; and as there is still a party in the kingdom, disaffected to his Majesty and his family, it is not to be doubted but that they will make use of this handle, for sowing jealousies and fears among his Majesty's best subjects.

This consideration, my Lords, weighty as it is, ought not to prevent our passing so good a bill; but I think we ought to take all possible precautions to prevent such a fatal consequence; and this, I think, can only be done, by leaving out some of the words in the preamble, and inserting others in their stead, as I shall immediately propose. Your Lordships all know, that the bringing in of this bill, was not occasioned by a complaint against any use that has lately been made of the regular troops; your Lordships must be all sensible, that his Majesty's wisdom and goodness is such, that he would, by no means, permit any of his troops to be made use of, for over-awing or incroaching upon



‘ upon the freedom of any election ; and therefore,  
 ‘ to satisfy the people, and to prevent his Majesty’s  
 ‘ enemies from getting any pretence, for throwing  
 ‘ reproaches upon his government, I hope your  
 ‘ Lordships will agree to this amendment in the  
 ‘ preamble, that these words, *To, &c.*’ (moved as  
 beforementioned.)

The answer was to this effect, *viz.*

Answer.

‘ As I have, my Lords, as firm an attachment  
 ‘ to his Majesty, and the present happy establish-  
 ‘ ment, as any man in the kingdom, I can never  
 ‘ hear his Majesty’s name or his government brought  
 ‘ into any debate without the utmost concern ; and  
 ‘ it has of late become so customary, to bring the  
 ‘ sacred name of the King into every debate, that I  
 ‘ wish there were some order or some regulation  
 ‘ made, for preventing the practice in time to come.  
 ‘ Shall we never find fault with any measure taken  
 ‘ by ministers ; shall we never propose any regula-  
 ‘ tion for preserving our liberties, against any future  
 ‘ wicked administration, but we must be told, it  
 ‘ will reflect upon his Majesty and his government ?  
 ‘ My Lords, we are, upon all occasions, to distin-  
 ‘ guish between the King and his ministers ; between  
 ‘ the King’s government and the ministers admini-  
 ‘ stration : His Majesty and his government are so  
 ‘ sacred, they can never be the subject of any of our  
 ‘ debates, and therefore ought never to be mention-  
 ‘ ed ; but the ministers and their administration,  
 ‘ may often deserve our most severe animadversions :  
 ‘ This distinction, my Lords, is not only known in  
 ‘ this house, but is known to all the people of the  
 ‘ kingdom ; and therefore, whatever surmises may  
 ‘ be raised, whether just or unjust, they can never  
 ‘ affect his Majesty or his government ; because, if  
 ‘ any thing has actually been done, which ought not  
 ‘ to be done, every man must suppose it was done  
 ‘ without

‘ without his Majesty’s knowledge, and will never  
‘ meet with his approbation.

‘ With regard to his Majesty then, my Lords, or  
‘ his government, your Lordships have no manner  
‘ of reason to be under any concern, about the con-  
‘ sequences of this bill, or to alter or add any words  
‘ for preventing any consequences it can be attended  
‘ with. As to the ministers administration, indeed,  
‘ I do not know but this bill may occasion some sur-  
‘ mises that may affect them, and it is impossible to  
‘ prevent such ; for the very bringing in of this bill,  
‘ will certainly give ground to suppose that some ir-  
‘ regular use has lately been made of the troops,  
‘ with respect to elections. I shall agree with the  
‘ noble Lords of the other side of the question, in  
‘ this, that it is the general opinion, that such bills  
‘ are seldom brought in, but for remedying some  
‘ grievance that has been felt ; nay, I’ll go farther,  
‘ I believe there is a great deal of reason for such an  
‘ opinion ; for it is very well known, that when any  
‘ bill is offered for preventing a grievance, one of the  
‘ most powerful arguments made use of against it,  
‘ by a certain sort of men, who always oppose such  
‘ bills, is, that such a grievance was never yet com-  
‘ plained of, therefore why should you apprehend  
‘ it, or make any provision against it? And this ar-  
‘ gument is generally found to be of such weight,  
‘ that people seldom venture to bring in or propose  
‘ any bill for preventing a grievance, till after it has  
‘ been severely felt, and generally, as well as loudly,  
‘ complained of. As this is generally the case, I do  
‘ not see how it is possible to prevent such surmises  
‘ against the administration ; and what is now pro-  
‘ posed to be inserted by the noble Duke, will, I  
‘ am afraid, add credit to such surmises ; for the  
‘ words he proposes to insert, will certainly be taken  
‘ by the generality of people without doors, as in-  
‘ serted by the ministers, by way of vindication ; and  
‘ I remember an old saying, which, upon this occa-  
‘ sion,

‘ sion, I must beg leave to repeat ; *Nescio quid mali  
‘ secum fert expurgatio.*

‘ For this reason, my Lords, the words proposed  
‘ to be inserted, can, in my opinion, no way con-  
‘ tribute to the vindication of the ministry ; and as  
‘ they seem to imply a compliment, not to his Ma-  
‘ jesty’s government, but to the minister’s admini-  
‘ stration, I think it below the dignity of this house  
‘ to pass such a compliment, when we do not know  
‘ whether it be true or not ; for, as we have made  
‘ no inquiry ; as not the least proof has been laid be-  
‘ fore us ; we cannot, as members of this house, de-  
‘ clare that it has been the practice, to cause the sol-  
‘ diers, quartered in any place appointed for elect-  
‘ ing members to serve in Parliament, to remove  
‘ out of the same, during the time of election. Nay,  
‘ I am sure we cannot with any justice say, it has been  
‘ the *constant* practice ; because it has been lately af-  
‘ firmed in this house, by persons of great authori-  
‘ ty, and not contradicted, that it has not been the  
‘ constant practice ; and therefore I hope, even  
‘ the noble Duke himself will agree, to leave the  
‘ word *constant* out of the amendment he pro-  
‘ poses.

‘ But now, my Lords, I come to the words pro-  
‘ posed to be left out ; and there, indeed, we have  
‘ reason to apprehend surmises, surmises of the most  
‘ terrible nature, because they will not only affect  
‘ the administration, but the honour of this house ;  
‘ when the people hear that a bill was brought in by  
‘ the learned judges, for transmitting safely to our  
‘ posterity, those rights and privileges we received  
‘ from our ancestors, by preventing the influence of  
‘ officers and soldiers in our elections ; and when  
‘ they hear that we first struck out the clause, for  
‘ subjecting officers and soldiers to a trial at common  
‘ law, and then struck out those sacred words in the  
‘ preamble, will they not naturally surmise, that we  
‘ struck that clause out of the bill, and those words

‘ out of the preamble, on purpose that those rights  
 ‘ and privileges, which we received from our an-  
 ‘ cestors, might not be transmitted safely to our  
 ‘ posterity ? Will it not be surmised, that the neces-  
 ‘ sity for such a bill was so evident, that there was  
 ‘ no withstanding the passing of some sort of bill,  
 ‘ but a majority of this house had taken care to leave  
 ‘ out all those words and clauses, which the learned  
 ‘ judges thought were necessary for making it effec-  
 ‘ tual ? These are surmises, my Lords, we ought  
 ‘ highly to regard ; and considering the solemn  
 ‘ manner in which the bill was brought in, consider-  
 ‘ ing the character of those who prepared it, confi-  
 ‘ dering the importance of the affair it relates to, we  
 ‘ have great reason to apprehend, that there will be  
 ‘ such surmises.

‘ The inserting of these words at the end of the  
 ‘ preamble, shews the care and concern the learned  
 ‘ judges have for the preservation of our constitution,  
 ‘ and looks something like the invocations which,  
 ‘ upon all such occasions, the ancient heathens made  
 ‘ use off towards their gods ; so that there really seems  
 ‘ to be something sacred in them, and I cannot but  
 ‘ look upon it as a sort of devotion, when I argue  
 ‘ against turning such sacred words out of the pre-  
 ‘ amble of this bill : These words are no way incon-  
 ‘ sistent with the compliment proposed to be insert-  
 ‘ ed ; so that if your Lordships should agree to  
 ‘ make this compliment, you may, nevertheless,  
 ‘ leave the other words standing as they are : I can-  
 ‘ not really form to myself the reason for expunging  
 ‘ them, unless it be to suppose, that you are afraid  
 ‘ of giving the people too high a notion of their  
 ‘ rights and privileges, and too warm an affection  
 ‘ for them ; which is an apprehension I am sure  
 ‘ none of your Lordships can entertain ; and there-  
 ‘ fore I hope the noble Duke will either drop his  
 ‘ motion wholly, or at least the first part of it : But  
 ‘ if he insists upon the whole, it ought certainly to



‘ be separated, because some Lords may be for inserting the words proposed to be inserted, and against leaving out the words proposed to be left out; and other Lords may perhaps be of a quite contrary opinion.’

To this it was replied in substance as follows, viz.

Reply.

‘ Whatever there may be, my Lords, in that distinction, between his Majesty’s government and the administration of his ministers, however well it may be understood in this house, I am afraid it is not so generally understood without doors; and therefore I hope your Lordships will all agree with me in this, that it can be of no service to his Majesty or to his government, to raise groundless and false surmises against the administration of his ministers: And as it cannot be said, as there cannot be the least pretence for saying, that ever any election was over-awed by the regular troops, therefore I think it is absolutely necessary to insert in such a bill as this, some words for preventing any such surmise; and I must think, that no words can be invented more proper for that purpose than those that have been proposed. There may, perhaps, have been one, or a very few late instances, where the troops did not remove from the place of election as usual; but if that affair were enquired into, it would, I believe, appear, there were very sufficient reasons for their not removing; such reasons as, I believe, would convince every Lord of this house, that it would be of the most dangerous consequence to pass this bill, in the shape in which it was brought in. However, to avoid any farther dispute in this particular, your Lordships may leave the word *constant* out of the amendment that has been offered, and then, I hope, that part of the amendment will be unanimously agreed to; for to

‘ declare



‘ declare the truth, upon any occasion, I can never  
 ‘ take to be what is properly called a compliment,  
 ‘ nor can I take such a declaration to be below the  
 ‘ dignity of this house, especially when necessary for  
 ‘ preventing unjust surmises, which, it must, at least,  
 ‘ be granted, could be of no great service to his Ma-  
 ‘ jesty or his government.

‘ As to the words proposed to be left out, I take  
 ‘ it, my Lords, to be a general rule, that no super-  
 ‘ fluous and unnecessary words ought to be inserted  
 ‘ in any bill; for the shorter any law is, it is cer-  
 ‘ tainly the better, providing the meaning and in-  
 ‘ tention of the law be fully and clearly expressed;  
 ‘ any superfluous and unnecessary words, inserted ei-  
 ‘ ther in the preamble or in any of its clauses, serve  
 ‘ only to confound the true meaning and intention  
 ‘ of the law, and to raise doubts and difficulties,  
 ‘ when it comes afterwards to be applied to any par-  
 ‘ ticular case that may occur. Of this nature I take  
 ‘ those words to be, which are now proposed to be  
 ‘ left out: I look upon them as altogether unneces-  
 ‘ sary and superfluous; for the end and intention of  
 ‘ the bill, appears fully and clearly in every clause  
 ‘ of it; and therefore it is very unnecessary to de-  
 ‘ clare in the preamble, for what end it was proposed  
 ‘ or passed: This, my Lords, I take to be the true  
 ‘ and the only reason, for moving to have those  
 ‘ words left out; and the reason is so strong and so  
 ‘ obvious, that I think it impossible the leaving them  
 ‘ out should occasion any unjust reflections against  
 ‘ the administration, or against the honour of this  
 ‘ house; and, as the reason for inserting the other  
 ‘ words, is as evident as the reason for leaving these  
 ‘ out, I think there is no occasion for separating the  
 ‘ two parts of the question; being convinced that all  
 ‘ those who are against any one part of it, will be  
 ‘ against the whole; as, on the contrary, that all  
 ‘ those who are for any one part, will be for the  
 ‘ whole, as it now stands.’

Question.

After this, it being agreed to leave the word *constant* out of the amendment, the question was put upon the amendment so amended, which, upon a division, was carried in the affirmative, by 64 to 28.

Speakers.

The motion for this amendment was made by the Duke of *Newcastle*; and supported by the Earls of *Cholmondeley* and *Carlisle*. The speakers against it, were, the Earl of *Aylesford*, the Earl of *Anglesea*, the Earl of *Chesterfield*, the Lord *Bathurst*, and the Lord *Carteret*.

Reported.

Next day the Lord *Delaware* reported from the committee of the whole house, the amendments made by them to the said bill; and the same being read by the clerk, the Earl of *Aylesford* moved, for recommending the bill; upon which the question was put; but, upon a division it was carried in the negative, by 61 to 33.

Then the first amendment was read a second time, which was to leave out the latter part of the preamble, and to substitute words instead thereof, reciting, 'That it hath been the usage and practice, 'to cause any number of soldiers, quartered in any 'place appointed for electing members to serve in 'Parliament, to remove out of the same during the 'time of election,' as before mentioned.

Which being objected to, after some new debate, the question was put, Whether to agree with the committee in the said amendment?

It was resolved in the affirmative, *Content 61, Not Content 33.*

### Dissentient.

Protest relating to the bill for regulating quarters.

1. Because we conceive these words, (*To the end therefore, that the same may be safely transmitted to posterity, and for the avoiding any inconvenience that may arise thereunto from any regiment, troop, or company, or any number of soldiers, which shall be quartered or billeted within any city, borough, town or place, where*

*any election of member or members to serve in Parliament, or of the sixteen Peers to represent the Peerage of Scotland in Parliament, or of any of them, shall be appointed to be made*) extremely proper in a bill, calculated to preserve to us and our posterity the enjoyment of our liberties, by securing the freedom of elections; besides that, in our opinion, it seems very extraordinary to leave out words that singly intimate our desire of transmitting to posterity, the liberties we enjoy ourselves.

2. Because we cannot conceive, that there was any weight in the argument urged for omitting these words, *viz.* That they carried an imputation, that some facts had been committed contrary to the freedom of elections, which this bill was to prevent for the future: Whereas, in our opinion, it is so much the contrary, that we think the leaving out these words, the natural importance of which carry no imputation at all, may possibly be construed, as a consciousness of some irregular use made of troops at elections, which, it might be apprehended, these words might point out, especially since reports of that nature have of late been spread, whether well grounded or not, we do not take upon ourselves to determine.

Denbigh,	Clinton,	Ker,
Chesterfield,	Berkshire,	Bridgwater,
Litchfield,	Craven,	Anglesey,
Bolton,	Huntington,	Gower,
Thanet,	Cobham,	Foley,
Carteret,	Bathurst,	Winchelsea
Beaufort,	Shaftsbury,	and
R. Lincoln,	Boyle,	Nottingham,
Coventry,	Monjoy,	Haverham.

The three next amendments were read a second time, and severally agreed to.

Then the fifth amendment was read a second time, being to leave out these words, *viz.* ‘ And every such regiment, troop or company, or other number of soldiers as aforesaid, shall, upon the receipt of such orders, march.’

Proposed to agree with the committee in the said amendments.

Which being objected to, after debate, the question was put upon the said proposition, and it was resolved in the affirmative.

The next amendment was read a second time, and agreed to.

Then the next amendment was read a second time, being to leave out the second enacting clause, which was, to inflict penalties and punishments on officers and soldiers, who should refuse or neglect to remove out of places, at the time of elections, and to substitute words, inflicting punishments on the Secretary at War, in case he neglects to issue orders for such removal.

And it being proposed to agree with the committee in that amendment.

After some new debate, the question was put thereupon.

And it was resolved in the affirmative, *Content* 64, *Not Content* 33.

### *Dissentient.*

Second pre-  
text relating  
to the bill  
for regulat-  
ing quarters.

1. Because we conceive, that the leaving out this clause, is, in reality, defeating the effect and intention of the whole bill; a bill thought so necessary by the whole house, that the learned judges were unanimously ordered to prepare and bring it in, in lieu of a clause to the same purpose, offered to be inserted in the annual *act to prevent mutiny and desertion*.

2. Because we think it much more necessary, that officers and soldiers should be subject to be tried by the civil power, for an offence of this high nature, against

against the constitution in general, than for quartering a man contrary to the method prescribed by the act to prevent mutiny and desertion; for which crime they are, at present, liable to be tried and cashiered by the civil magistrate.

3. Because we conceive, that this offence being an offence of the highest nature against the civil government, is properly cognizable by the civil magistrate only, and most improperly reserved to the determination of a court martial. Offences against military discipline are justly reserved for the decision of a court martial, as consisting of persons of the same profession, and consequently the properest judges; and, by a parity of reasoning, we conceive the civil magistrate the fittest judge of civil offences. We cannot therefore but fear, that a court-martial may consist of persons who may be at least ignorant, and, possibly hasty and partial judges of the merits of an election.

4. Because the intention of the bill being to prevent any insults from troops during the time of elections, we should provide against all possible dangers; and tho' during his Majesty's reign, we apprehend no ill use will be made of the troops; yet, in future time, ministers may prevail, whose unpopular and detested administration may leave them no hopes of security from a free-elected Parliament, and reduce them to the violent and illegal method of employing those troops, kept up by the corruption of one Parliament, in the forcible election, or rather, nomination of another: In which case, no remedy can be hoped for against officers so offending, since, as the act now stands, they can only be tried by a court-martial, and a court-martial can only be appointed by the crown; and, consequently, the same wicked minister, who may hereafter advise such an attempt upon our constitution, will



will not be likely to permit his guilty agents to suffer, but the merits of their crime will carry impunity along with it.

5. Because we cannot conceive that the arguments drawn from a possibility of a riot at an election, or of a rebellion or invasion during the time of election, wherein the assistance of military power may be necessary, were in any degree sufficient to induce the house to leave out this clause; since, in the case of a riot, the civil magistrate is already armed with a rigorous penal law, known by the name of the *riot act*; and in the case of a rebellion or invasion, it is well known, that this and all other laws would be silent. But, on the other hand, we apprehend great inconveniences may arise, if troops have liberty to march into towns during the time of elections, at the requisition of a partial and corrupted civil magistrate, who may call a majority he dislikes, a tumult, and supply with force, the want of interest of an unknown and unqualified candidate; by which means the voice of the people may be drowned in the noise of arms.

6. Because we apprehend, that a very injurious and dangerous construction may, by malicious people (too speciously) be put upon the leaving out of this clause; that although the unpopularity of rejecting the bill itself could not be withstood, yet the eluding and enervating the efficacy of it had been directly brought about: Which supposition, however groundless, may give great uneasiness and apprehension to many of his Majesty's good subjects, and may bring very great unpopularity upon the administration. An evil! by all possible means to be prevented; since hate begets hate, and an administration, become unpopular, will soon become desperate, and may endeavour to strengthen their

crazy

crazy and rotten foundation, by tearing away, for their own use, the corner stones of the liberty of the people.

<i>Chesterfield,</i>	<i>Bridgewater,</i>	<i>Beaufort,</i>
<i>Clinton;</i>	<i>Bolton,</i>	<i>Bathurst,</i>
<i>Ker,</i>	<i>Craven,</i>	<i>R. Lincoln,</i>
<i>Denbigh,</i>	<i>Thanet,</i>	<i>Shaftesbury,</i>
<i>Coventry,</i>	<i>Huntington,</i>	<i>Boyle,</i>
<i>Montjoy,</i>	<i>Carteret,</i>	<i>Winchelsea,</i>
<i>Litchfield,</i>	<i>Cobham,</i>	<i>Haverham,</i>
<i>Berkshire,</i>		

We differ for the above-mentioned reasons, except the third.

*Anglesey,*                      *Gower,*                      *Foley.*

ON *Friday* the 25th of *April*, the bill for granting and continuing the duties upon salt, and upon red and white herrings, for a term therein mentioned, was read a third time in the house of Lords, and a motion being made for passing the bill, the Lord *Bathurst* stood up and spoke to this effect, viz.

Salt bill read  
a third time.

‘ My Lords, tho’ the arguments against this duty, and against this destructive method of raising money, were so fully stated and explained when this duty was last revived, that nothing now can be said upon the subject \*; yet as there are now several Lords in this house who were not here at that time, I must beg leave to repeat one of the arguments then made use of, and which is, I think, now stronger in several respects than it was at that time. Figures, my Lords, are stubborn things, there is no twisting them into any shape but that

Lord Bathurst’s  
Speech  
against it,

\* See Vol. X. Page 291.

‡ which

' which is natural and right; and some facts are so  
 ' evident and so notoriously known, that they can-  
 ' not be denied or controverted. From these, my  
 ' Lords, it must appear to every man who under-  
 ' stands the common rules of addition, that the na-  
 ' tion must, in nine years, pay near 800,000*l.* for  
 ' the 500,000*l.* which by this bill is to be raised for  
 ' the current service of the present year: For as this  
 ' sum of 500,000*l.* is to be immediately borrowed  
 ' at an interest of 4 *per cent.* we must pay the in-  
 ' terest upon that whole sum, or very near it, for  
 ' nine years, which is an additional sum the nation  
 ' must at last pay, amounting to near 180,000*l.*  
 ' Then, my Lords, the expence of raising and col-  
 ' lecting this tax for four years longer, must like-  
 ' wise be all paid by the nation, and this will  
 ' amount to at least 120,000*l.* more; for, accord-  
 ' ing to the lowest computation, the expence of col-  
 ' lecting this duty has always been reckoned at  
 ' 25,000*l.* *per annum*, for *England*, and 5000*l.* *per*  
 ' *annum*, for *Scotland*; this amounts to a yearly sum  
 ' of 30,000*l.* which in four years amounts, as I  
 ' have said, to the sum of 120,000*l.* Thus, my  
 ' Lords, from figures and facts it is plain, that for  
 ' the 500,000*l.* now to be borrowed, the nation  
 ' must, in nine years, pay 500,000*l.* for princi-  
 ' pal, near 180,000*l.* for interest, and 120,000*l.*  
 ' for charges in collecting, being in all 800,000*l.*

' We have heard it, my Lords, strongly incul-  
 ' cated, both this session and last, that upon the pre-  
 ' sent emergency we ought to endeavour to give fo-  
 ' reign powers great ideas of the wealth and the  
 ' strength of this nation, and of our readiness to en-  
 ' gage in the war, in case we should at any time  
 ' hereafter find it necessary so to do. This, we have  
 ' been told, would oblige them to set bounds to their  
 ' ambitious views, and give ear to those reasonable  
 ' terms of peace which his Majesty was to propose:  
 ' But when it is spread abroad, that now, in a time

of

‘ of peace, in a time of profound tranquillity, we  
 ‘ are borrowing money at the rate of 60 *per cent.*  
 ‘ for the current service of the year; will any power  
 ‘ on earth imagine, that we have any wealth or  
 ‘ power left, or that we dare engage in an expensive  
 ‘ and dangerous war? Surely, my Lords, we must  
 ‘ admit, that there is some sort of parallel between  
 ‘ the circumstances of a nation, and those of a pri-  
 ‘ vate man; and I submit to your Lordships, if you  
 ‘ would not look upon a man in private life as a  
 ‘ bankrupt, if he should attempt to borrow money  
 ‘ at a premium of 60 *per cent.* Therefore I must  
 ‘ conclude, that the powers now engaged in war will,  
 ‘ from the very case now before us, look upon this  
 ‘ nation as bankrupt, and will reckon us as unfit for  
 ‘ engaging in a heavy war, as a bankrupt in private  
 ‘ life would be for commencing an expensive law-  
 ‘ suit: And whether such an opinion can contribute  
 ‘ towards obliging the powers engaged in war to set  
 ‘ bounds to any of their ambitious views, or to give  
 ‘ ear to the reasonable terms of peace, which his Ma-  
 ‘ jesty is to propose, I leave to your Lordships to  
 ‘ judge?

To this no answer was made, but the question cal-  
 led for, which being accordingly put, was carried in  
 the affirmative without a division.

**I**Mmediately after this bill was passed, the bill for  
 enabling his Majesty to apply the sum of one mil-  
 lion out of the sinking fund, for the service of the year  
 1735, was (according to order) read a third time,  
 and a motion made for its being passed, which be-  
 ing opposed, there ensued a long debate, in which  
 the arguments against the bill were to this effect.  
*viz.*

Motion for  
 passing the  
 sinking fund  
 bill, with the  
 debate upon  
 it.

‘ I have often, my Lords, heard it made use of  
 ‘ in this house, as an argument for our agreeing to  
 ‘ what

Argument  
 against it.

what was then before us, that it would strengthen his Majesty's hands, and add to the credit and esteem of the nation among foreigners. This, my Lords, is an argument that, when properly applied, will always have great weight with me; and I think it never was, nor ever can be more properly applied, than against our agreeing to pass this bill. Hitherto, or at least, till within this year or two, the credit and the public faith of this nation have always been in great esteem among foreigners, because they saw we had not only a power to pay off honourably, all the debts we contracted during the last heavy war, but that we had the wisdom and the will to do so; and had actually set apart a considerable and a growing fund for that honest purpose: This our friends observed with pleasure, because from thence they took us to be in a flourishing condition, and expected we would soon be free of all former debts, and consequently, would soon be in a condition of giving them the same powerful assistance we had given them in the last war, in case they should, at any time, be unjustly attacked: This our enemies looked on with envy, with dread, and with awe, because they saw we were in a condition to revenge any insults they should offer, and to give a check to their ambitious projects: But the bill we have just now passed, and the bill now before us, will quite change the scene: To see us in the time of a profound peace, not only continuing, but mortgaging one of the heaviest and most dangerous taxes under which our people groan; to see us laying violent hands upon that sacred fund which has been set a-part for the payment of our debts, which stands actually mortgaged to the public creditors, will make the whole world believe that the nation is reduced to the lowest ebb: This will of course transfer the pleasure from our friends to our enemies: The former may, perhaps, pity and be-

moan



‘ moan, but the latter will most heartily despise and  
‘ contemn us.

‘ My Lords, when the sinking fund first began  
‘ to be nibbled at, I was afraid of the consequence,  
‘ and I foretold what has now come to pass. I fore-  
‘ told, that the next step would be to apply the  
‘ whole to the current service of the year, and I am  
‘ afraid, there are some among us, who already be-  
‘ gin to think of making it a building instead of a  
‘ sinking fund; I am afraid, there are some who  
‘ have already formed a project, of making it a  
‘ fund for contracting new debts, instead of being a  
‘ fund for paying off the old; and this I am the  
‘ more afraid of, because of the new doctrine we  
‘ have heard advanced in this house, that the pub-  
‘ lic creditors have no manner of right in the sinking  
‘ fund, that they have no title or right, to demand  
‘ any thing of the government, but the regular pay-  
‘ ment of their interest. This, my Lords, was to  
‘ me a doctrine intirely new, a doctrine which gave  
‘ me the utmost concern, because I looked on it as a  
‘ prelude, towards the mortgaging of that sacred  
‘ fund, for bringing a new debt upon this nation;  
‘ and the application, which is to be made of that  
‘ fund, by the bill now before us, I look on as a  
‘ paving of the way for that pernicious project; so  
‘ that what I am this day to say upon this subject, I  
‘ shall say, by way of taking my leave of that sacred  
‘ fund for ever, unless your Lordships wisdom and  
‘ prudence, or some very unexpected accident, gives  
‘ a most agreeable disappointment.

‘ But I hope your Lordships will now take this  
‘ doctrine into your consideration, and will this day  
‘ dismiss it with that contempt it deserves, in order  
‘ to prevent the pernicious consequences with which  
‘ it is fraught. For my own part, my Lords, I  
‘ have always looked upon bills, upon which any  
‘ sums of money have been borrowed, as contracts  
‘ between the public and the private persons who  
‘ lent

' lent their money upon the credit of such bills; and  
 ' when considered as such, it is certain, all the clauses  
 ' and conditions of them ought to be most religiously  
 ' observed, and most punctually fulfilled. In this  
 ' light let us consider the sinking fund: The taxes  
 ' from which that fund arose, were all at first mort-  
 ' gaged to the creditors of the public, every shil-  
 ' ling arising from such taxes were, by the expres  
 ' words of the bills, by which those taxes were first  
 ' established, mortgaged for payment of the princi-  
 ' pal and interest, or at least the interest of what  
 ' money was lent upon them; the laws by which  
 ' those mortgages were made, are still subsisting,  
 ' they stand as yet unrepealed, they cannot be re-  
 ' pealed, but by the consent of those, who lent  
 ' their money upon them, or by the consent of  
 ' those persons, who now stand in the place of the  
 ' first lenders; and while these laws stand unre-  
 ' pealed, while there is a shilling due upon any of  
 ' the mortgages thereby established, it is a breach  
 ' of public faith, to apply any part of the pro-  
 ' duce of those taxes to another use, without  
 ' consent of those, who have now a right to the  
 ' mortgage. I do not know, indeed, but in this  
 ' case, the tacit consent of the public creditors may  
 ' be thought sufficient; but this is not the only con-  
 ' sideration; we ought to consider, what is the in-  
 ' terest of the nation in general, and every man who  
 ' considers the general interest, must conclude, that  
 ' the sooner we pay off our public debts, the less  
 ' they will cost us in the end, the less interest we shall  
 ' pay for them, and the sooner it will be in our  
 ' power to free the people from some of those taxes,  
 ' under which they now so heavily groan.

' I have already shewed, my Lords, what a pre-  
 ' judice the bill now before us, may be to the credit  
 ' and esteem of the nation abroad; and as I look  
 ' upon it as some sort of incroachment upon that  
 ' national faith, which is engaged to the creditors of  
 ' the

‘ the public, by so many solemn acts of Parliament,  
‘ I must think it will do a great injury to our pub-  
‘ lic credit at home, among all men who seriously  
‘ reflect and consider the consequences of things :  
‘ These are fatal consequences, but these, my Lords,  
‘ are not the most fatal ! The diverting of this sa-  
‘ cred fund, and applying it to the current service  
‘ of this year, is, in my opinion, one of the greatest  
‘ injuries that can be done to his Majesty and his fa-  
‘ mily : To apply this fund to current services, in  
‘ order to prevent the people’s being sensible of any  
‘ new expence that has been brought upon them,  
‘ and to enable ministers to provide for that expence,  
‘ which their measures have made necessary, with-  
‘ out laying any new tax upon the people, may per-  
‘ haps be a good temporary expedient for an ad-  
‘ ministration ; it may give a minister an opportu-  
‘ nity to vaunt, that he has relieved the landed in-  
‘ terest, that he has charged them with but one or  
‘ two shillings in the pound, and by this he may  
‘ put off the evil day for the time of his administra-  
‘ tion : But this, my Lords, is ruining his master, it  
‘ is an undermining of the government : Adminis-  
‘ trations are fleeting things, ministers are always  
‘ changing, a mean temporary expedient may do for  
‘ a minister, who has no view beyond the term of  
‘ his own administration ; but his Majesty’s govern-  
‘ ment is permanent, I hope it will endure in him  
‘ and his family for ever ; and to make use of any  
‘ little temporary expedient, which may in the end  
‘ greatly endanger or distress his Majesty’s govern-  
‘ ment, or the government of any of his family, is  
‘ a most imprudent step ; at present, my Lords, I  
‘ shall call it by no worse a name. The bill now  
‘ before us, I must look on as such an expedient ; it  
‘ is nothing but a temporary expedient for conceal-  
‘ ing from the people, the expence which the nation  
‘ is to be put to for this ensuing year : In a few  
‘ years the people, who are now eased by this  
‘ expe-

' expedient, will all be gone; in a short time, few  
 ' or none of them will be alive, to express their gra-  
 ' titude for the ease they now meet with; and as  
 ' the ease given to the present generation, will fall  
 ' with double weight upon posterity, they must  
 ' necessarily groan heavily under the burden; they  
 ' will have reason to complain, they will have rea-  
 ' son to murmur, and most of them may, from that  
 ' only cause, become disaffected to his Majesty and  
 ' his family.

' If we have any respect, my Lords, if we have  
 ' any regard for the illustrious family now upon the  
 ' throne, this consideration ought to make us trem-  
 ' ble, when we hear any such expedient mentioned,  
 ' as that now before us: But there is still another  
 ' consideration which ought to have great weight:  
 ' If we have a mind ever to be free of that load of  
 ' debt the nation at present labours under, particular  
 ' care ought to be taken, to make a proper applica-  
 ' tion of the sinking fund during all times of peace;  
 ' for if this nation should happen to be engaged in  
 ' a war, we cannot suppose that the sinking fund  
 ' will amount to near so much as it does at present,  
 ' I am indeed afraid, it would upon such an emer-  
 ' gency, almost intirely vanish; and this ought to  
 ' be particularly taken notice of by those, who may  
 ' now perhaps be forming projects for raising new  
 ' debts upon the credit of the sinking fund. The  
 ' true nature of this fund, is very little understood  
 ' by those who imagine, that it has been all  
 ' got from the diminution of the interest payable  
 ' to the creditors of the public. It is very well  
 ' known, that by the diminution of interest in the  
 ' years 1717 and 1727, we got in the whole but  
 ' 697,000 *l.* annual income, and out of this sum we  
 ' ought to deduct the annual sum of 100,000 *l.*  
 ' since added to the civil list, we ought to deduct  
 ' the salt duty, which has been lately taken from the  
 ' sinking fund, and made a fund for contracting a  
 ' new



‘ new debt, and we ought to make many other deductions I could name, all which added together, amount to the yearly sum of above 690,000*l.* so that properly speaking, it is but a most inconsiderable part of the present sinking fund, that can be said to arise from the diminution of interest payable to the creditors of the public.

‘ The real and the chief foundation of our present sinking fund is to be looked for, my Lords, in a very different article; the greatest part of it arises from the increase of our taxes above what they produced in time of war. The produce of those taxes, which were imposed for payment of any money raised during the war, was computed according to what they brought in yearly at that time; but now in time of peace, every one of those taxes produces a great deal more yearly than it did at that time, and it is from this increase, that the greatest part of our present sinking fund truly arises. This will appear evident from comparing the produce of our customs and excise now in time of peace, with what they produced in time of war. In ten years of peace, at least a sort of peace, from *Christmas* 1722, to *Christmas* 1732, the customs produced, upon an annual medium, 1,603,805*l.* whereas in the last ten years of the war they produced, upon an annual medium, but 1,260,732*l.* the difference of which is 343,073*l.* yearly produce more in time of peace than it was in time of war; but there having been an alteration made since the year 1712, and before the year 1722, in relation to the drawbacks of the old subsidy, and in relation to the duties on coffee, tea, chocolate, and brandies, which, since the year 1712, and before the year 1722, were taken from the customs and turned into excise, the produce of both these articles, which we may reckon at least at 200,000*l.* annually, ought to be added to the annual produce of the customs for the ten years, from *Christmas*

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' 1722 to *Christmas* 1732, or it ought to be deduct-  
 ' ed from the annual produce of the customs in the  
 ' last ten years of the war; in either of which cases,  
 ' it will make the difference between them 543,073*l.*  
 ' yearly increase in the branch of our customs only.  
 ' Then, my Lords, with respect to the excise, we shall  
 ' find, that the excise on beer and low wines (without  
 ' including that on coffee, tea, chocolate and brandies)  
 ' for three years, from *Midsummer* 1729 to *Midsummer*  
 ' 1732, at an annual medium, amounted to 1,238,902*l.*  
 ' and the same excise in three years of the war, from  
 ' *Midsummer* 1709 to *Midsummer* 1712, (being the  
 ' only three years after the additional third) was, at  
 ' an annual medium, but 897,662*l.* the difference  
 ' between which two produces, is 341,240*l.* yearly  
 ' produce more in time of peace than it was in time  
 ' of war; and these two yearly increases amount to  
 ' the sum of 884,313*l.* which comes all in yearly  
 ' to our sinking fund, by the increase of our taxes  
 ' now in time of peace, more than they produced in  
 ' time of war: It is true, it may be said, that the  
 ' duties upon coffee, tea, chocolate and brandies,  
 ' have likewise greatly increased, and therefore the  
 ' whole sum of 200,000*l.* ought not to be deducted  
 ' from the 1,260,732*l.* let us then deduct a pro-  
 ' portional sum, which is 157,224*l.* the produce of  
 ' the customs in time of war will then appear to  
 ' have been, at a medium, 1,103,508*l.* but then the  
 ' increase of the duties upon coffee, tea, chocolate  
 ' and brandies, or the difference between 200,000*l.*  
 ' and 157,224*l.* which is 42,776*l.* must be added to  
 ' the produce of the customs in time of peace, in  
 ' which case, the whole will amount to 1,646,581*l.*  
 ' so that the difference comes out to be the same.

' I hope your Lordships will excuse me for  
 ' making use of so many calculations; for the affair  
 ' now before us is of such importance, that it de-  
 ' serves the most serious, the most minute considera-  
 ' tion. Figures, my Lords, cannot err, and by  
 ' them

' them it evidently appears, that near 900,000 *l.* of  
 ' our present sinking fund arises annually from the  
 ' increase of our customs and excises: Can we sup-  
 ' pose, that such an increase would continue, if this  
 ' nation should be involved in war? Are not we  
 ' rather to suppose, that both would suddenly de-  
 ' crease, and would in a short time come to the same,  
 ' or very near the same standard they were at during  
 ' the last war? In such a case, could we hope to  
 ' discharge any great part of our debts yearly, by  
 ' means of our sinking fund? Could we hope to  
 ' contract new debts, or to support a heavy and ex-  
 ' pensive war, upon the credit of such a fund? Those  
 ' who are just sinking and ready to perish, may  
 ' catch hold of any twig, may build their hopes  
 ' upon any chimeras; but I hope this nation is not  
 ' yet reduced to such a condition, as to trust to a  
 ' twig, which must sink as soon as we catch hold of  
 ' it; I hope we will never place our security in any  
 ' thing, but what has a solid and a lasting founda-  
 ' tion; and a solid and lasting foundation we can  
 ' find no where, but in the real wealth and hearty  
 ' affections of our people: While the people are  
 ' loaded with debts, they cannot be said to have real  
 ' wealth; while they are over-burdened with taxes,  
 ' we cannot expect their hearty affections; and as  
 ' nothing can be so effectual for clearing them of  
 ' their debts, for relieving them from their taxes,  
 ' and for gaining their affections, as a most religious  
 ' application of the sinking fund, to the uses for  
 ' which it was originally intended, I must therefore  
 ' be against the misapplication proposed by the bill  
 ' now before us.'

To this it was answered, in substance, as follows,  
*viz.*

' My Lords, it is to me really surprising to hear *Answer,*  
 ' some noble Lords declaring the great concern they

' have for the credit of this nation abroad, and at  
 ' the same time, with the same breath, doing all  
 ' they can, to lessen the credit and the esteem of this  
 ' nation among foreigners, by endeavouring to esta-  
 ' blish it as a maxim, that even the Parliament can-  
 ' not dispose of the sinking fund to any use, but that  
 ' of paying off some part of our debts, contracted  
 ' before the year 1716; for if it were so, it is cer-  
 ' tain, no foreign power would have such a high  
 ' notion of the power and the strength of this nation  
 ' as they would naturally have, if they knew that  
 ' we had a million sterling, coming in yearly, with-  
 ' out laying any one tax upon our people, which we  
 ' might, as we thought fit, apply, either to the pay-  
 ' ing off some of our old debts, or towards raising  
 ' forces for our own defence, or for assisting our  
 ' friends, or punishing our enemies. I must there-  
 ' fore think, that every man, who has a true regard  
 ' for the credit of this nation among foreigners, will,  
 ' when he considers the affair thoroughly, endeavour  
 ' to establish the contrary maxim; and I hope this  
 ' house will, by passing the bill now before us, en-  
 ' deavour to convince all foreigners, that we have a  
 ' power, when we think it necessary, to apply the  
 ' revenue of the sinking fund, towards their assistance  
 ' or correction. When foreigners consider, what  
 ' great expence we have been at this year, in aug-  
 ' menting our forces both by sea and land; and that  
 ' notwithstanding such an expence, we have laid but  
 ' two shillings in the pound upon our land, I am  
 ' sure it will give them a greater opinion of the  
 ' wealth and the power of this nation, and will con-  
 ' tribute much more towards our credit among them,  
 ' than the paying off a million of our debt could  
 ' possibly have done: They will consider, that we  
 ' may continue the same forces as long as we have  
 ' a mind, without raising any new taxes upon the  
 ' people, and that whenever we find it necessary we

‘ may make very considerable additions, by only  
 ‘ increasing our land tax, to what is usually paid in  
 ‘ time of war; and therefore we must conclude, that  
 ‘ the methods taken this year for raising money for  
 ‘ the current services, are the most prudent that  
 ‘ could have been taken, for establishing the credit  
 ‘ and esteem of this nation abroad; and that they  
 ‘ are no way inconsistent with any obligation we are  
 ‘ under to the creditors of the public, I shall endeavour to demonstrate.

‘ Even supposing, my Lords, the public creditors  
 ‘ had a right to insist upon it, that the sinking fund  
 ‘ should never be applied to any thing, but the paying off some part of the debt due to them, yet it  
 ‘ has been admitted, that their tacit consent would  
 ‘ be sufficient for giving the Parliament a power to  
 ‘ apply it to other necessary purposes; and as no  
 ‘ objection has been made by any of the public creditors, to the application now proposed; as every  
 ‘ one of them is, I believe, glad to hear of its being  
 ‘ so applied; therefore, from any supposed right in  
 ‘ them, no objection can be made to the bill now  
 ‘ before us; so that at present, it seems to be an unnecessary dispute, whether the creditors have any  
 ‘ right in this fund or no. However, as it may, in  
 ‘ my opinion, very much lessen our credit abroad,  
 ‘ as it might subject this nation to very great inconveniences, to suppose, that even the Parliament  
 ‘ could not dispose of the sinking fund to any other  
 ‘ purpose, if the creditors should think fit, to object  
 ‘ to that disposal; I hope your Lordships will give  
 ‘ me leave to state that matter, in the light in which  
 ‘ it appears to me.

‘ If the public creditors, my Lords, have any right  
 ‘ to demand, that the sinking fund shall never be applied to any use but to the paying off so much of  
 ‘ their principal yearly, that right must arise either  
 ‘ from the reason and spirit, or from the express  
 ‘ words of those acts of Parliament, by which the

‘ sinking fund was first created. With respect  
‘ the reason and spirit of those acts of Parliament,  
‘ it must be deduced from that cause, upon which  
‘ they were principally founded; and it is well known,  
‘ that the project, which gave rise to those acts of  
‘ Parliament, did not proceed from any terms offer-  
‘ ed by the creditors: They never so much as  
‘ thought of offering to give up a part of their  
‘ yearly interest, in order to establish a fund for pay-  
‘ ing off their principal; but the foundation of that  
‘ beneficial project, and the true cause of those acts of  
‘ Parliament was this, the natural interest of money  
‘ had decreased so much, and the credit of our public  
‘ securities had become so extensive, that some gen-  
‘ tlemen, who had the good of their country much  
‘ at heart, thought it was proper to take advantage  
‘ of the happy circumstances the nation was in at  
‘ that time, in order to lessen the interest payable to  
‘ the creditors of the public; for this purpose, they  
‘ founded the inclinations of some of the leading  
‘ men in the monied companies, and other rich men  
‘ in the kingdom, to see if they would lend the go-  
‘ vernment any large sum of money, at an interest  
‘ of 5 *per Cent.* and this was no sooner proposed,  
‘ than it was agreed to; by which it was found,  
‘ that the government could borrow at 5 *per Cent.*  
‘ as much money as would be sufficient to pay off  
‘ all the debts then redeemable by Parliament, which  
‘ bore an interest of 6 *per Cent.* or above: Thus  
‘ the project was soon brought to maturity; and  
‘ when the proprietors of those debts, found they  
‘ were like to be paid off, they chose rather to ac-  
‘ cept of a less interest for their money, than to take  
‘ their principal, when they did not know where  
‘ to place it out to any advantage: They were so  
‘ far from demanding any conditions, they were so  
‘ far from insisting, that the government should lay  
‘ themselves under any obligations, that they readily  
‘ came in, and were glad of being allowed to ac-  
‘ cept



‘cept of the interest that was offered them; and  
 ‘why the government should without being asked,  
 ‘without any consideration, lay themselves under a  
 ‘peremptory obligation, to apply the savings, made  
 ‘by that reduction of interest, to the paying off  
 ‘the principal, is what I cannot comprehend, is  
 ‘what cannot, I think, be supposed.

‘Now, my Lords, with respect to the express words  
 ‘of those acts of Parliament, by which the sinking  
 ‘fund was established, let us examine the acts them-  
 ‘selves, to see if we can find in any one of them such  
 ‘words as can possibly be understood to mean, that  
 ‘the sinking fund thereby established should, in all  
 ‘future time, be inviolably applied to the paying  
 ‘off the public debts, without leaving it in the  
 ‘power, even of the Parliament itself, ever to ap-  
 ‘ply that fund to any other purpose. The acts by  
 ‘which the sinking fund was first established, are,  
 ‘*The act for redeeming the duties and revenues settled*  
 ‘*for paying off the four lotteries, which is called the*  
 ‘*general fund act: The act for redeeming several*  
 ‘*funds of the bank of England: And the act for re-*  
 ‘*deeming the yearly fund of the South-sea company;*  
 ‘which three acts were all passed in the third year  
 ‘of his late Majesty; and in the preamble of every  
 ‘one of them, the decrease of the common inte-  
 ‘rest for money, is expressly assigned as the cause  
 ‘for passing them, without the least notice taken of  
 ‘any covenant between the public creditors and the  
 ‘government, about the future application of the  
 ‘sinking fund then established, which would cer-  
 ‘tainly have been recited if there had been any such  
 ‘thing, or if any such thing had been intended.  
 ‘The preamble of the act for redeeming the bank  
 ‘fund is very remarkable: ——— It recites, “That  
 “the governor and company of the bank of *Eng-*  
 “*land*, in regard that the common rate of interest  
 “for money, is very much lessened under your Ma-  
 “jesty’s most auspicious reign, are willing” ———

‘ and soon after are these remarkable words —  
 “ So as they may be satisfied the said last yearly  
 “ sum, till *Midsummer*, 1718, inclusively; and so  
 “ as the future payments of the said sum of 88,751*l.*  
 “ 17*s.* 10*d.* farthing, may be secured to them, from  
 “ the said feast-day till the redemption thereof, and  
 “ so as the said yearly sum be made redeemable up-  
 “ on one year’s notice:” — Here, my Lords, is  
 ‘ the contract between the government and the bank  
 ‘ fully recited, and not one word mentioned of a  
 ‘ covenant between the two contracting parties, a-  
 ‘ bout the application of the sinking fund: And in  
 ‘ this act, when the surplus or excess, occasioned by  
 ‘ the reduction of interest, comes to be disposed of,  
 ‘ it is expressly declared and enacted, — “ That  
 “ the excess or surplus, which at any time shall or  
 “ may be produced by the several rates, duties, re-  
 “ venues, and incomes thereby appropriated, shall  
 “ attend the disposition of Parliament, and be ap-  
 “ plied according to act or acts of Parliament in  
 “ that behalf, and not otherwise.” — By these  
 ‘ words, my Lords, this excess or surplus is so far  
 ‘ from being appropriated to the paying off our  
 ‘ debts, that it is, in as express terms as could be  
 ‘ devised, left to the future disposition of Parlia-  
 ‘ ment.

‘ The preamble to the *South-sea* act, my Lords,  
 ‘ is much to the same purpose, the words are —  
 “ And whereas the said governor and company are  
 “ contented, in regard the rate of interest is very  
 “ much lessened, to accept, after *Midsummer* 1718,  
 “ one annuity of 500,000*l.* being after the rate of  
 “ 5*l.* per cent. per ann. for the said ten millions.”  
 ‘ — Here your Lordships likewise see the reason  
 ‘ why that company was contented to accept of 5*l.*  
 ‘ per cent. interest: It was because the common rate  
 ‘ of interest was very much lessened: This, my  
 ‘ Lords, is the only reason expressed; and if there  
 ‘ had been any other reason, it would certainly have  
 ‘ been

' been expressed. In like manner, the excess or  
 ' surplus of the *South-sea* funds, are by this act ex-  
 ' pressly declared to attend, from time to time, the  
 ' disposition of Parliament, and to be applied ac-  
 ' cording to act or acts of Parliament in that behalf,  
 ' and not otherwise: From which words it is to me  
 ' as evident as words can make it, that this excess  
 ' or surplus was not then designed to be disposed of  
 ' at any one time, or to any one particular use,  
 ' but was to attend the disposition of Parliament  
 ' — From time to time. — So that I am  
 ' sure neither the bank nor the *South-sea* company  
 ' can pretend to have, from either of these two acts,  
 ' any right or property in the produce of the sinking  
 ' fund.

' The only other act by which the sinking fund was  
 ' established, is that I have mentioned, which is  
 ' called, *The general fund act*; and in the preamble  
 ' of this act likewise, my Lords, the Cause or Con-  
 ' sideration for passing the same, is expressly men-  
 ' tioned to be, That the common rate of interest  
 ' for money, had been very much lessened; after  
 ' which the end and intention of the act is likewise  
 ' mentioned in these words, — "Now, to the  
 ' end a sufficient fund may be established, for pay-  
 ' ment of all the annuities which shall be payable  
 ' in pursuance of this act, it is enacted, " —  
 ' These words I beg your Lordships would take par-  
 ' ticular notice of; because, if there had been any  
 ' intention to appropriate the sinking fund, thereby  
 ' established, to the payment of the public debts,  
 ' and to no other use whatever, there would cer-  
 ' tainly in this part of the act, have been added some  
 ' words to this effect, — "And likewise, that  
 ' a sufficient fund may be established for pay-  
 ' ment of the principal sums for which those an-  
 ' nuities are to be payable, it is enacted, " —  
 ' From all which I think it is evident, that none of  
 ' the public creditors, whose interest was at that  
 ' time

' time to be reduced, made any contract with the  
 ' government, or desired to lay the government un-  
 ' der any obligation for applying the produce of  
 ' the sinking fund to the payment of the principal  
 ' sums due to them, and to no other purpose what-  
 ' ever; and in that case we must suppose that the  
 ' clause in this last act, by which the surplusses in  
 ' the three acts I have mentioned, are directed to  
 ' be applied to the discharge of the national debts in-  
 ' curred before 1716, in such manner and form as  
 ' should be directed and appointed by future acts  
 ' of Parliament, was never intended for any thing  
 ' else but as a direction for the commissioners of  
 ' the treasury, and other officers of the public reve-  
 ' nue, how, and by what authority they were to dis-  
 ' pose of the said surplusses or excesses: It was cer-  
 ' tainly never intended as an implication of any  
 ' agreement or contract with the public creditors, or  
 ' as a law which no future Parliament could repeal,  
 ' alter or amend, without the consent of the public  
 ' creditors.

' If then, my Lords, it cannot be supposed from  
 ' any thing that passed, or any thing that was enact-  
 ' ed in the year 1716, that the public creditors,  
 ' whose interest was then reduced, stipulated any  
 ' appropriation of the sinking fund to the payment  
 ' of the principal money due to them, I am sure  
 ' the creditors concerned in the irredeemables, can  
 ' much less be said to have made any such stipula-  
 ' tion; for it is certain, they were no way con-  
 ' cerned in the transactions of that year; and as for  
 ' the transactions of the year 1720, it can as  
 ' little be said, that they then stipulated any thing  
 ' from the government, because that whole trans-  
 ' action was carried on between the government  
 ' and the *South-sea* company; and that company  
 ' never desired any thing more from the govern-  
 ' ment, but only a liberty to increase their capital  
 ' stock, by redeeming, purchasing or taking in the  
 ' redeemable



‘ redeemable debts, and the irredeemable annuities,  
‘ providing that their capital stock might be increa-  
‘ sed according to the terms, and in the proportions  
‘ in the preamble of that act mentioned ; and that  
‘ they should have such an annuity upon their capi-  
‘ tal so increased, as is therein stipulated ; all which,  
‘ your Lordships may see in the preamble of that  
‘ act ; but in no part of it, nor in any part of the  
‘ act, is there the least intimation of any covenant  
‘ or contract between the government and the com-  
‘ pany, that the surplusses or excesses to be thereby  
‘ created, were to be appropriated to the payment  
‘ of our public debts, and to no other purpose. It  
‘ is true, the Commons here declare their being de-  
‘ sirous to have the public debts and incumbrances  
‘ lessened as fast as may be, with regard to justice  
‘ and the public faith, and I believe every man who  
‘ wishes well to his country, desires the same ; but  
‘ the company, who were then the only contracting  
‘ party with the Commons, are so far from making  
‘ any stipulation for that purpose, that they do not so  
‘ much as declare their being desirous it should be so :  
‘ From all which, my Lords, I think it is evident,  
‘ that none of the public creditors, have either by the  
‘ intention and spirit, or the express words of the  
‘ laws by which the sinking fund was established or  
‘ increased, any right to demand, that the produce  
‘ of the sinking fund shall be applied to the paying  
‘ off their principal : On the contrary, I think it is  
‘ as evident as words can make it, that the applica-  
‘ tion of that fund is entirely left to the disposition  
‘ of Parliament : That it ought to be applied to the  
‘ discharge of the national debt, contracted before  
‘ 1716, is what no man will doubt ; but that the ge-  
‘ neral interest of the nation may require, and that the  
‘ Parliament may order its being otherwise applied,  
‘ without the consent, or even against the inclination  
‘ and prayer of the public creditors, is what, I believe,  
‘ will be as little doubted by any man who considers  
‘ its original institution. ‘ An-



‘ Another argument, my Lords, has been made  
 ‘ use of against this bill, which I must confess I do  
 ‘ not well comprehend: It has been said, that it  
 ‘ may be of dangerous consequence to his Majesty  
 ‘ and his family: If I thought there were the least  
 ‘ ground for such an argument, it would certainly  
 ‘ be with me a most prevailing one: But when I  
 ‘ consider the heavy load that has for so many years  
 ‘ been laid upon the landed interest of this kingdom,  
 ‘ I must think there is nothing more just than to  
 ‘ take all methods for giving them relief; and how  
 ‘ an act of public justice can be of dangerous conse-  
 ‘ quence to his present Majesty, or to any of his  
 ‘ illustrious family, I cannot comprehend. There  
 ‘ was no other way of raising the money proposed to  
 ‘ be raised by this bill, but by laying four shillings  
 ‘ in the pound, instead of two, upon land; and in  
 ‘ that case, I am sure the landed gentlemen would  
 ‘ have complained, and would have had reason to  
 ‘ complain of our having loaded them with such a  
 ‘ heavy tax, when we had a million in our hand  
 ‘ which we might have applied towards their relief.  
 ‘ The nation would have been very little sensible of  
 ‘ the relief given them by paying off a million of  
 ‘ our debt, but the landed interest would have been  
 ‘ deeply sensible of so heavy a tax, by which we  
 ‘ must of course have raised a great many enemies  
 ‘ to his Majesty’s government, without procuring  
 ‘ him any friends: Whereas, when posterity reflects  
 ‘ upon the necessity we are now under, and the dan-  
 ‘ gerous situation we are in, they will readily excuse  
 ‘ our not having cleared them of a million of debt  
 ‘ at such a critical conjuncture,

‘ I shall readily agree with the noble Lords, that  
 ‘ a good part of our sinking fund arises from the  
 ‘ produce of most of our taxes having greatly in-  
 ‘ creased since the last war; but that this increase is  
 ‘ intirely owing to the peace we have enjoyed, is  
 ‘ what

‘ what I cannot, my Lords, admit; for I am convinced that it arises from the increase of our people, the increase of our luxury, and the superior care now taken in collecting our taxes, and preventing all manner of smuggling. These I take to be the chief causes of that increase in the produce of our taxes, which has happened since the last war; and in this opinion I am confirmed by this observation, that the increase has grown up gradually, whereas, if it had been occasioned by nothing but the peace we have enjoyed, it would have grown up all at once; the increase would have been as great, or very near as great, the first year after the peace was established, as it is at present; the contrary of which we know by experience: Now, as neither of these causes can be much affected by any war but a civil war, which I hope this nation will never be engaged in, therefore I hope, and I think I have good reason to hope, that our sinking fund will be very near as large in time of war as it is now in time of peace. I do not know that any man ever formed a project, or has so much as once had it in his thoughts to mortgage the sinking fund, or to raise any new debts upon that credit; but, my Lords, if we were actually engaged in a war, I should think it a maxim of the most dangerous consequence to his Majesty and the royal family, to load and oppress the subjects with new and heavy taxes, rather than apply the sinking fund, yearly as it arises, to the uses of the war; instead of applying it to the paying off the old debts of the nation; and for this reason I cannot think it of any great service to his Majesty or to his family, to endeavour to establish it as a doctrine, that the public creditors have an indefeasible right in the sinking fund, and that the same cannot be applied by Parliament to any other use without their consent.

‘ But,

‘ But, my Lords, if the public creditors had such  
 ‘ an indefeasible right in this fund, it must then be  
 ‘ granted, that it could not be applied by Parliament,  
 ‘ even to the reducing of those taxes which are most  
 ‘ prejudicial to the trade, most burdensome on the  
 ‘ manufactures, and most oppressive upon the poor  
 ‘ of this nation: And yet I have lately seen a pam-  
 ‘ phlet hawked about in the streets, under the title  
 ‘ of a protest entered by some noble Lords, upon this  
 ‘ house’s disagreeing with them in a motion for our  
 ‘ coming to a resolution, that the sinking fund should  
 ‘ always be applied to such purposes, and to none  
 ‘ other. How this can consist with the doctrine now  
 ‘ advanced, that this fund cannot be applied to any  
 ‘ purpose, but that of paying off the debts of the  
 ‘ nation, contracted before the year 1716, I must  
 ‘ leave to other Lords to explain. However, they  
 ‘ need not, I think, give themselves any great trou-  
 ‘ ble about getting over this difficulty, for I have  
 ‘ clearly shewn, that there is no foundation for such  
 ‘ a doctrine. I have shewn, that the sinking fund  
 ‘ was at first intended to be left to the disposition of  
 ‘ Parliament; that it was chiefly designed for pay-  
 ‘ ing off the debts of the nation, but that the Par-  
 ‘ liament may apply it to other necessary purposes;  
 ‘ and I think there can be no purpose more neces-  
 ‘ sary, than that of preventing our being under a ne-  
 ‘ cessity of loading the landed interest with four shil-  
 ‘ lings in the pound; therefore I must think the bill  
 ‘ now before us a most reasonable bill, and I hope  
 ‘ your Lordships will order it to pass.’

The reply to this was in substance as follows, *viz.*

Reply.

‘ My Lords, I do not know what may be the  
 ‘ way of thinking among some people in this nation;  
 ‘ but I am sure it is the general and the right way  
 ‘ of thinking, to compute the strength and power  
 ‘ of a nation, from that revenue which it may apply  
 ‘ towards

‘ towards a war, without running in debt, or load-  
‘ ing the people with heavier taxes than they will  
‘ patiently submit to pay. A nation may, upon  
‘ some extraordinary emergency, be obliged to run  
‘ itself something in debt ; but, as every mortgage  
‘ upon a private gentleman’s estate, is a step to the  
‘ ruin of his family ; so every public debt that is con-  
‘ tracted is a step to the ruin of a nation ; therefore no  
‘ nation, unless they are mad, will contract any debt, as  
‘ long as they can raise what is necessary for the yearly  
‘ expence, by such taxes as they think the people will  
‘ patiently submit to pay ; and the people of every  
‘ country will certainly submit patiently to pay any  
‘ tax that can be laid upon them, if they have a  
‘ confidence in their governors, and an assurance  
‘ that they will demand no money, but what is ne-  
‘ cessary for the common safety, and that the best  
‘ and the most frugal use will be made of the money  
‘ that shall be so raised. This, my Lords, I am  
‘ sure, is the general way of thinking among all fo-  
‘ reigners ; and whoever thinks in this manner, will  
‘ never admit that the revenue, which ought to be  
‘ applied to the payment of our debts, is a revenue  
‘ which contributes to our strength and power. In  
‘ the last war we made many, I believe some un-  
‘ necessary steps, towards our ruin ; every shilling of  
‘ old debt we pay off, is, at least, a step from our  
‘ ruin ; and I with grief and sorrow reflect, upon  
‘ our having made so few, during such a long term  
‘ of peace and tranquillity : But as all, or most of  
‘ our debts, bear an interest of 4. *per cent.* every  
‘ misapplication of the sinking fund, is not only ne-  
‘ glecting to make a step from our ruin, but is like-  
‘ wise making a new step towards our ruin, by bring-  
‘ a new debt upon the nation, I mean the grow-  
‘ ing interest for that money which ought to have  
‘ been paid off. By the very bill now before us,  
‘ we bring a new debt of 40,000*l.* upon the nation :  
‘ This sum, ’tis true, in *English* money, has but a  
‘ small

' small sum, but in *French* money it makes above  
 ' 800,000 livres; and what will a *Frenchman* think  
 ' of this nation when he hears, that now, in a time  
 ' of peace, we have not only neglected to pay off  
 ' a large sum of old debt, but have contracted a  
 ' new debt of near a million of their money? Will  
 ' he not say, that we are either mad, or that the  
 ' people are already so loaded with taxes, or have  
 ' so little confidence in their governors, that they  
 ' will not patiently submit to pay any additional  
 ' tax? Can this, my Lords, add to the credit or  
 ' esteem of the nation among foreigners? Can it  
 ' contribute to render any of his Majesty's measures  
 ' effectual?

' ' But this, my Lords, is not the only step we  
 ' have this day made to our ruin, we have made  
 ' another most terrible step, we have contracted an-  
 ' other new debt of above ten millions of *French* li-  
 ' vres, which must confirm every foreigner in his  
 ' opinion, of the pitiful circumstances we are redu-  
 ' ced to. In order to save laying another shilling  
 ' upon land, we have this day made a second mort-  
 ' gage upon the only tax we had to mortgage, and  
 ' therefore I am surpris'd to hear it so much as in-  
 ' sinuated that we have, or that foreigners will be-  
 ' lieve we have, a tax of 2 s. in the pound upon  
 ' land, which we may lay on when we please, and  
 ' which we may apply towards increasing our forces  
 ' in case of a war; for whoever considers what we  
 ' have this day done, must necessarily conclude, that  
 ' we have not, at most, above a shilling in the  
 ' pound land tax, which we can apply towards in-  
 ' creasing our forces either by sea or land; and how  
 ' short that sum would be of the expence necessary  
 ' for supporting a war, every foreigner, as well as  
 ' every one of your Lordships, may easily judge.

' The tacit consent of the money companies may,  
 ' perhaps, be some sort of excuse for what is pro-  
 ' posed to be done by this bill; but it is far from  
 ' being



' being an authority absolutely sufficient; for such  
' an authority can only be obtained from the general  
' courts of the respective companies: Such a tacit  
' consent as we have at present, may flow from the  
' negligence, perhaps the fraud, of the managers,  
' which the proprietors may afterwards find great  
' reason to complain of; and when they begin to  
' make such complaints against their managers, they  
' will then certainly complain loudly against those  
' who made a handle of such a tacit consent, in or-  
' der to take away what properly, and of right, be-  
' longed to them. Nay, my Lords, as all compa-  
' nies and corporations are something in the case of  
' infants, even their express consent could not justify  
' the application of the sinking fund to any other  
' purpose, unless there were really a necessity for  
' such application; and I am convinced that no such  
' necessity can be pleaded at present; for, in my o-  
' pinion, we had no occasion to be at any extraor-  
' dinary expence, no more than any other of our  
' neighbours not engaged in the war; and if there  
' had been an apparent necessity for any such ex-  
' pence, our people would have agreed to raise it by  
' some new or additional tax, rather than to have  
' had that sacred fund diverted from the uses for  
' which it was originally intended.

' I have read, my Lords, in a pamphlet lately  
' hawked about, some sophistical arguments for  
' proving, that the public creditors have no right or  
' interest in that fund, which every man allows, was  
' principally intended for their payment, and with-  
' out which, it is certain, they never can be paid;  
' but I little expected ever to have heard those argu-  
' ments repeated in this house: However, as they  
' have been most minutely repeated in this day's de-  
' bate, I hope your Lordships will excuse me for  
' endeavouring to shew, wherein their fallacy con-  
' sists; and in so doing, I hope I shall be able to  
' convince every Lord in this house, that the credi-

' tors of the public have a right in the sinking fund,  
 ' not only from the reason and spirit, but from the  
 ' express words of the acts of Parliament by which  
 ' it was established; and indeed the words are so ex-  
 ' press, that I am astonished to hear their right con-  
 ' troverted, especially in this house, where a most re-  
 ' ligious regard for private property has always been  
 ' preserved.

' My Lords, when a motive founded upon pri-  
 ' vate interest, as well as a motive founded upon  
 ' public interest, can be assigned for any project, I  
 ' am always apt to imagine, that the motive found-  
 ' ed upon private interest gave the first rise to the  
 ' project, and was the principal cause of its being  
 ' carried into execution: And, according to this  
 ' rule, if we examine the project for establishing the  
 ' sinking fund, we must believe, that the first rise  
 ' of it proceeded not from any gentleman, who had  
 ' only the good of his country much at heart, but  
 ' from some gentleman who had the good of his  
 ' own family, as well as the good of his country  
 ' much at heart. Before the year 1716, the pro-  
 ' prietors of the redeemables had indeed an interest  
 ' of 6 *per cent.* secured to them by law; but as there  
 ' was no fund then settled for the payment of their  
 ' principal, they could have no expectation of ever  
 ' being paid, or at least not till the terms of the ir-  
 ' redeemables should be all expired, and in such a  
 ' long time they did not know, but that the distres-  
 ' ses of the public might put a stop to the payment  
 ' of their interest, as well as disappoint them intirely  
 ' of their principal. In this dangerous situation, no  
 ' man of common prudence but would conclude,  
 ' that it was better (at least for his family) for him  
 ' to have but 5 *per cent.* interest, and a certain fund  
 ' established for paying off the principal in a short  
 ' term of years; and from thence the project for re-  
 ' ducing the interest, and thereby establishing a sink-  
 ' ing fund, originally and principally proceeded:  
 ' ministers

‘ ministers, or perhaps some of their projectors,  
‘ might have had a project in their heads for redu-  
‘ cing interest; but till it came into the heads of  
‘ some of the chief monied men in the kingdom, it  
‘ was nothing but a project, a meer chimæra; and  
‘ for this reason I am convinced, that the project  
‘ never came to any perfection, till the managers of  
‘ the Bank and *South Sea* companies offered, not  
‘ only to accept of an interest of 5 *per cent.* for what  
‘ was due to their respective companies, but to assist  
‘ the government with money at the same interest;  
‘ for paying off the other redeemables, who should  
‘ refuse to accept of such an interest: However,  
‘ whether they made the offer, or only agreed to  
‘ the proposition when made to them, is not mate-  
‘ rial; but one or the other must have been the case,  
‘ before that project could be carried into execution;  
‘ and as we must suppose, that the securing the re-  
‘ payment of their principal money, was the chief  
‘ thing they had in view, is it possible to suppose  
‘ that they would make such an offer, or agree to  
‘ such a proposition, without stipulating that the sink-  
‘ ing fund, thereby to be established, should be ap-  
‘ propriated to the paying off the principal? It is  
‘ impossible to make any such supposition; and there-  
‘ fore their right to the application of this fund, ari-  
‘ ses in the most clear and evident manner, from the  
‘ reason and spirit of the transaction upon which those  
‘ laws were founded.

‘ After this contract and agreement was made be-  
‘ tween the government and the two companies, and  
‘ not till then, it began to be possible to carry the  
‘ project into execution; and one of the first steps  
‘ taken was, for the house of Commons to resolve,  
‘ *That all savings by the proposed reduction of interest,*  
‘ *should go towards discharging and reducing the na-*  
‘ *tional debt.* These my Lords, are the express words  
‘ of the resolution: They are absolute and uncondi-  
‘ tional, and from that very moment every man

' who had any share, or afterwards purchased any  
 ' share in the redeemables, must have believed, that  
 ' by his accepting of 5 *per cent.* instead of taking his  
 ' money, he thereby acquired a right to have the  
 ' savings applied to the payment of the principal;  
 ' which right he must have thought as absolute and  
 ' unconditional, as was the resolution of the House of  
 ' Commons upon which it was founded: And now  
 ' to pretend, that there was no contract or agreement  
 ' between the government and the two companies,  
 ' or between the government and any of the pub-  
 ' lic creditors, because that contract was not fully  
 ' and particularly set forth in the preambles of the  
 ' several acts of Parliament, is such a catching at  
 ' words, as, I believe, would hardly be made use  
 ' of by a common lawyer in *Westminster-Hall*. It  
 ' cannot so much as be pretended, that without the  
 ' assistance of the two great companies, the govern-  
 ' ment could then have borrowed, at 5 *per cent.* as  
 ' much money as would have been sufficient for pay-  
 ' ing off all the redeemables; and as they could  
 ' have no other motive, from private interest, for  
 ' agreeing to assist the government, but only the  
 ' right they were to acquire to the savings got by a  
 ' general reduction of interest; therefore, though  
 ' it had not been expressly stipulated, we must con-  
 ' clude it was implied in their agreement; and if  
 ' they had no other right but by implication, it would  
 ' be doing them injustice to rob them of such a  
 ' right.

' I must now beg leave, my Lords, to touch a  
 ' little upon the several acts of Parliament by which  
 ' this right is, I think clearly established. With  
 ' regard to the preamble of the bank act, it is in-  
 ' deed recited in this act as well as the others, That  
 ' the common rate of interest for money was very  
 ' much lessened; but this was not the real cause of  
 ' either of the acts; on the contrary, I believe, that  
 ' the common rate of interest being lessened, was  
 ' chiefly



‘ chiefly owing to the resolution upon which these  
‘ acts were founded ; however it was necessary to  
‘ make this a pretence, not only to induce the pro-  
‘ prietors of the two companies to approve of what  
‘ their managers had done, but to induce as many  
‘ of the other redeemables as it was possible, to ac-  
‘ cept of the 5 *per cent.* interest that was to be of-  
‘ fered them ; in this preamble are likewise recited  
‘ some stipulations, that related particularly to the  
‘ bank ; but as this act relates particularly to the  
‘ bank, the general contract, the general stipulation,  
‘ by which the public creditors were to acquire a  
‘ right, to have the savings appropriated to the pay-  
‘ ment of their principal sums, could not be recited  
‘ neither in the preamble of this act, nor in the pre-  
‘ amble of either of the other two, because the bank  
‘ was not to acquire a particular and separate right  
‘ to the savings that were to arise by the reduction  
‘ of their interest ; nor was the *South-sea* company  
‘ to acquire a particular and separate right to the  
‘ savings that were to arise by the reduction of  
‘ their interest ; nor were the other redeemables to  
‘ acquire any such right to the savings by the re-  
‘ duction of their interest, but all of them were to  
‘ acquire a general and joint right in those savings,  
‘ that were to arise by the reduction of the interest  
‘ payable to them ; and therefore it would have been  
‘ improper, it would have been absurd to have re-  
‘ cited this agreement in any one of the acts, or  
‘ indeed to have recited it at all ; the only proper  
‘ way of mentioning the agreement was by perform-  
‘ ing it, and that was done by a general clause in  
‘ one of the acts, as I shall immediately shew to your  
‘ Lordships.

‘ With respect to the disposing clause in the bank  
‘ act, as well as the disposing clause in the *South-sea*  
‘ act, it is evident, that both of them refer to some  
‘ act or acts of Parliament that were to be made,



‘ for the appropriation of those surplusses or excesses,  
 ‘ in pursuance of that agreement which the govern-  
 ‘ ment had made with the bank and *South-sea* com-  
 ‘ panies: When these two acts were drawn up, it  
 ‘ was not determined whether that appropriation was  
 ‘ to be made by one or more acts of Parliament, or  
 ‘ whether it was to be made by a particular act for  
 ‘ that purpose, or by a clause in some other act;  
 ‘ but it is plain, the Parliament then thought it might  
 ‘ be done by one act, otherwise it could not have  
 ‘ been said, ——— “ according to act or acts of  
 ‘ Parliament ” — ; for if that appropriation had  
 ‘ not been designed to have been made by Parlia-  
 ‘ ment, but yearly, as the surplusses or excesses  
 ‘ arose, it must necessarily have required the passing  
 ‘ of many acts of Parliament for that purpose; and  
 ‘ in such case the words in this clause must have  
 ‘ been ——— “ According to acts of Parliament in  
 ‘ that behalf ” ——— it would have been ridiculous  
 ‘ to have said ——— *act or acts* ——— in relation to  
 ‘ a thing which could not possibly be executed by  
 ‘ one act: But the truth is, it was at that time re-  
 ‘ solved, to appropriate all those surplusses or ex-  
 ‘ cesses that should arise by all or either of these  
 ‘ three acts, to the payment of debts contracted be-  
 ‘ fore that year; and it was resolved, that this ap-  
 ‘ propriation should be made by some act or acts to  
 ‘ be passed in that very session of Parliament; but  
 ‘ that it should be left to future Parliaments to ap-  
 ‘ ply the surplusses so appropriated, to the payment  
 ‘ of such of those debts contracted before the year  
 ‘ 1716, as they should think proper: This was the  
 ‘ the only power that was to be left to future Par-  
 ‘ liaments; and on account of this power, only  
 ‘ the words ——— *From time to time* ——— are  
 ‘ inserted in the disposing clause of the *South-sea*  
 ‘ act.

‘ As the preamble of the general fund act, relates only to the creditors, whose interest was by that act to be reduced; therefore no notice could be taken in the preamble of that act, of the appropriation intended, because that appropriation was to be general, and to comprehend all the surplusses, arising by that, and the other two acts, passed in the same session of Parliament; and from hence, the noble Lord may find a very good reason, why no such words, as he was pleased to mention, could be inserted in that act: But, my Lords, before this act was passed, it was determined, that the surplusses to arise by those three acts, might be properly and sufficiently enough appropriated, to the uses intended, by the agreement between the government and the bank, and *South-sea* companies, by a general clause in this last act; and therefore, immediately after such a disposing clause as is in each of the other two, there is inserted in this act a general disposing clause, in such express and peremptory terms, that I must beg leave to read the whole to your Lordships, The clause is in these words.—“ *All the monies to arise from time to time, as well of the excess or surplus, by virtue of an act made this session, for redeeming the funds of the bank of England, and of the excess or surplus, by virtue of an act made likewise this session, for redeeming the funds of the South-sea company, as also of the excess or surplus of the duties and revenues by this act appropriated as aforesaid, and the overplus monies of the said general yearly fund, by this act established, shall be appropriated to the discharging the principal and interest of such national debts as were incurred before the 25th of December 1716, and are declared to be national debts, and not provided for by Parliament, in such manner, as shall be directed by any future act, and to or for no other use whatsoever.*” — This clause, my Lords, is so explicit, and so express and parti-

' cular, with respect to the appropriation of the sur-  
 ' plusses arising from these three acts, that I am  
 ' really prodigiously astonished, to hear it said in a  
 ' serious debate in this house, that the proprietors of  
 ' the debts here mentioned, have not by this act, as  
 ' full a right in these surplusses, as can possibly be  
 ' given them by act of Parliament. To pretend,  
 ' that this clause was designed only as a direction to  
 ' the commissioners and officers of the treasury, is  
 ' really most extraordinary. Does not every one  
 ' of your Lordships see, must not every man see,  
 ' that the words must then have run thus—*shall*  
 ' *be applied in such manner, as shall be directed by*  
 ' *any future act, and to or for no other purpose what-*  
 ' *soever?* Is it not evident, that if no immediate ap-  
 ' propriation had been intended, these words—  
 ' *appropriated to the discharging the principal and in-*  
 ' *terest of such national debts, as were incurred before*  
 ' *the 25th of December 1716, and are declared to be*  
 ' *national debts, and not provided for by Parliament,*  
 ' —must necessarily have been left out?

' From what I have said, my Lords, it must I  
 ' think demonstrably appear to your Lordships, that  
 ' where-ever the project for establishing the sinking  
 ' fund, by reducing the interest payable to the cre-  
 ' ditors of the public, took its rise, it was impossible  
 ' for the government to execute this project, with-  
 ' out the assistance, as well as the agreement of the  
 ' bank and *South-Sea* companies: That besides the  
 ' public advantage, which might perhaps be some  
 ' inducement to them, they had likewise their own  
 ' private advantage; because they thereby rendered  
 ' the payment of their principal secure, which would  
 ' have otherwise been extremely precarious: That  
 ' as they had an inducement from their own private  
 ' advantage, we must from the nature of things pre-  
 ' sume, that they made the securing them in the en-  
 ' joyment of this private advantage, an express con-  
 ' dition

dition in their agreement, as well as in their promise, to assist the government in the execution of the project; and this clause which I have read to you, we must therefore look upon, as a clause expressly stipulated by these two companies, and which they then looked on, as an absolute security for the enjoyment of that private advantage they had in view: We must for this reason confess, that these two companies have a right in the sinking fund, not only from their previous contract, but from the very words of this clause; and if the other redeemables had taken or called for their money, these two companies must have paid the whole; consequently, their right in the sinking fund, would then have extended to the full value of all the redeemables, whose interest was then reduced. Must we not then in equity conclude, that those redeemables, who did not call for their money, but accepted of an interest of 5 *per cent.* come in place of the two companies, and have a right to enjoy the benefit of their contract. This, my Lords, I wonder to hear in the least controverted in this house, where so great a regard has always been shewn to equity, and to what appears to have been the intention of parties at the time of contracting.

As for the transaction between the government and the *South-Sea* company, in the years 1719 and 20, from the whole tenor of that transaction it appears, that the company as well as the government, supposed all along, that the sinking fund, and increase thereof, should remain appropriated to the paying off the public debts, contracted before the year 1716, and to that use only; for could either the company or the government suppose, that any one of the proprietors of the redeemables would have subscribed his debt into the *South-sea* company, if he had been thereby to give up the right he then had for being paid his principal out  
of



' of the sinking fund? Or could either of them sup-  
 ' pose, that the annuitants would have subscribed  
 ' their annuities at any price into the *South-sea* com-  
 ' pany, if they had thought, that they were thereby  
 ' to accept of a much smaller annuity, without any  
 ' security for their principal; and indeed without  
 ' any tolerable certainty for their annuities being con-  
 ' tinued, so long as they were then by law payable.  
 ' Such suppositions, either in the company or in the  
 ' government, would have been ridiculous; and that  
 ' neither of them made any such, appears almost  
 ' from every clause in the act. From the whole  
 ' tenour of the act, it appears, that the meaning and  
 ' intention of both parties was, that the sinking fund  
 ' and the increase thereof, should remain appropri-  
 ' ated to the payment of the public debts, contracted  
 ' before the year 1716, and that it should never be  
 ' applied to any other use; and upon this assurance  
 ' it certainly was, that the redeemables, as well as  
 ' the irredeemables, subscribed so readily into the  
 ' *South-sea* fund. This was certainly the design and  
 ' the intention of all the contracting parties, both  
 ' in the year 1716 and in the year 1720; and now  
 ' to pretend, that there was no such contract, that  
 ' the creditors have no right in the sinking fund,  
 ' merely because this contract is not recited in the  
 ' preambles of these acts, in as full and ample a  
 ' manner, as a conveyancer would perhaps have re-  
 ' cited it in a deed between private parties, is a me-  
 ' thod of reasoning I am sure not to be used in this  
 ' house.

' ' It is true, my Lords, after a certain provision  
 ' was made, not only for paying the yearly interest  
 ' to the public creditors, but likewise for paying off  
 ' their principal, in a small number of years; in a  
 ' term that was within every man's view, and in such  
 ' a short term, that it was not probable this country  
 ' would, in that time, meet with any such disaster,



‘ as might interrupt the payment either of principal  
 ‘ or interest, it then began to be an advantage to be  
 ‘ among those creditors, who were the last to be  
 ‘ paid off; and the *Soub-Sa* company, by a clause  
 ‘ in this last act, wisely put themselves among the  
 ‘ last who were to be discharged: But if the doc-  
 ‘ trine now broached should prevail, if two or three  
 ‘ more misapplications, such as that now before us,  
 ‘ should be made, this would soon cease to be an  
 ‘ advantage; the only contest would be, who should  
 ‘ be first paid off, because every man would begin  
 ‘ to be afraid, that an intire stop would be put to  
 ‘ the annuity, as well as the payment of the princi-  
 ‘ pal, before the last creditors could be paid off.

‘ That the landed interest ought not to be loaded  
 ‘ with any unnecessary charge, is what every man  
 ‘ will acknowledge; but our present land-holders  
 ‘ are all, I hope, gentlemen of better sense, than to  
 ‘ desire that their posterity should be ruined, for the  
 ‘ sake of giving them a small present relief; and  
 ‘ I am persuaded, there is not a land-holder in *Eng-*  
 ‘ *land* would either murmur or complain at his being  
 ‘ loaded with four shillings in the pound, if he saw  
 ‘ that it was absolutely necessary for the preservation  
 ‘ of his King and country: But this, my Lords,  
 ‘ is the difference, and the true cause of this new  
 ‘ doctrine, when any additional or new tax is im-  
 ‘ posed, the people feel the weight of the annual  
 ‘ public expence; this puts them upon inquiring in-  
 ‘ to the necessity for that expence, and when they  
 ‘ can see no necessity for it, they not only murmur,  
 ‘ but those murmurings become dangerous to the  
 ‘ ministers, who subject the nation to such an un-  
 ‘ necessary expence: Whereas no man feels what is  
 ‘ taken from the sinking fund, therefore no man  
 ‘ inquires into the necessity of that expence, which  
 ‘ occasions its being plundered; and for this reason,  
 ‘ it will always be looked on by ministers, as a  
 ‘ fund which they may squander with safety; but  
 ‘ this

' this may, and will, probably at last, fall heavy  
 ' upon some Prince of his Majesty's family: At  
 ' the same time that he sees almost all the revenues  
 ' in the nation mortgaged for old debts, he may  
 ' find himself engaged in a war, as expensive as was  
 ' that war which occasioned those debts; and this is  
 ' so melancholy a prospect, that the meer possibi-  
 ' lity of its existing, must give the most affecting  
 ' sorrow to every man, who has the security and  
 ' honour of the present royal family truly at heart.

' That the greatest part of our present sinking  
 ' fund, is owing to the yearly produce of our taxes  
 ' being much greater now than it was in time of  
 ' war, is, my Lords, what cannot be controverted;  
 ' and that that increase is owing to the peace we en-  
 ' joy, is what can as little, I think, be controverted;  
 ' for granting that the increase of the yearly pro-  
 ' duce of our taxes, is owing to the increase of our  
 ' people, to the increase of our luxury, and to the  
 ' good management and exactness in collecting our  
 ' taxes, yet as these three depend upon the peace we  
 ' now enjoy, therefore it must be granted, that the  
 ' increase of the yearly produce of our taxes de-  
 ' pends also upon that peace. If we were engaged  
 ' in a foreign war, we would be obliged to send a  
 ' great army abroad, supposing we sent only 20,000  
 ' men, we must allow that an army of 20,000  
 ' effective men, would carry at least 30,000 of  
 ' our people out of the kingdom; and considering  
 ' the many taxes our people pay at present, we may  
 ' reckon that every man and woman in the king-  
 ' dom, one with another, pays at least a penny a  
 ' day towards the public expence; so that if by the  
 ' war 30,000 of our people should be carried out  
 ' of the kingdom, by that one article, there would  
 ' be a certain decrease in the produce of our taxes,  
 ' to the amount of near 46,000 *l.* yearly; to which  
 ' must be added, the decrease that would be occa-  
 ' sioned by our sending out great fleets yearly; for

' tho'

‘ tho’ our ships of war, be generally furnished with  
‘ the necessary provisions at home, yet none of the  
‘ seamen on board, consume so much of the provi-  
‘ sions of their own country, or contribute so much  
‘ to the taxes, as they would do if they were living  
‘ at home. With respect to our luxury, it is a  
‘ maxim which always holds true, that people are  
‘ never so luxurious in time of war, as they are in  
‘ time of peace; and as the luxury of our people  
‘ would decrease, we must therefore expect that the  
‘ produce of taxes would decrease. But, my Lords,  
‘ the greatest decrease of all, would be occasioned  
‘ by its being impossible to collect our customs so  
‘ regularly, or to prevent smuggling in time of war,  
‘ so much as we do in time of peace: We would  
‘ have our coasts full of privateers, and those pri-  
‘ vateers would not only make it impossible for our  
‘ custom-house sloop, to guard our coasts against  
‘ smugglers, but would often become smugglers  
‘ themselves; and when a great profit is to be got,  
‘ it would be impossible to prevent our people’s  
‘ dealing with them. These considerations must  
‘ shew to your Lordships, that our sinking fund  
‘ would be but a very uncertain foundation, for  
‘ supporting a heavy and expensive war.

‘ With respect to our power of altering, amend-  
‘ ing or repealing any law, it is not at present, my  
‘ Lords, the question before us; but this house has  
‘ always been extremely cautious of doing so, when  
‘ such alteration, amendment or repeal, might pro-  
‘ bably hurt the property of private men; and the  
‘ bill now before us, must certainly be looked on, as  
‘ a repeal of all those laws, by which the sinking  
‘ fund has been appropriated, to the paying off the  
‘ debts contracted before 1716; and tho’ that repeal  
‘ may not immediately much injure the property of  
‘ the creditors of the public, yet it is laying a pre-  
‘ cedent, by which their property may at last be in-  
‘ tirely annihilated; for the necessities of state may  
‘ at

\* at last be made an argument for seizing, not only  
 \* upon that fund, which ought to be applied to pay-  
 \* ing their principal, but upon those funds which  
 \* ought to be applied to the payment of their annui-  
 \* ties; and if ever that happens, they will not only  
 \* feel, but will complain loudly of the bill now be-  
 \* fore us. The sinking fund is as strongly and as  
 \* firmly established for the payment of their princi-  
 \* pal, as the other funds are for the payment of their  
 \* annuities: In both cases, I can look upon the Par-  
 \* liament, only as the trustees of the people, and as  
 \* such, I must, indeed doubt, whether we have a  
 \* power to do what is proposed by the bill. Let  
 \* me suppose, my Lords, a gentleman, who has a  
 \* great mortgage upon his estate, has settled 3,000*l.*  
 \* a year rent-charge out of his estate in trustees,  
 \* 2000*l.* whereof to be applied by them yearly, to-  
 \* wards paying the interest, and 1000*l.* to be ap-  
 \* plied yearly towards paying off so much of the  
 \* principal money due upon the mortgage; suppose  
 \* this gentleman should afterwards grow a little ex-  
 \* travagant, that he should apply to his trustees, and  
 \* tell them he had occasion for that 1000*l.* a year,  
 \* for the necessary uses of his family, and that as  
 \* the mortgagee did not want his money, they might  
 \* let alone paying off any part of the principal for  
 \* that year, in order to supply those necessities which  
 \* his extravagance had brought upon him: Now,  
 \* my Lords, I should be glad to know, whether  
 \* the trustees could comply with such a request; or  
 \* if they did, whether the heirs of that gentleman  
 \* would be bound, by a court of equity, to approve  
 \* of what the trustees had done; I am apt to be-  
 \* lieve they would not; however, as I am no lawyer,  
 \* I shall not be positive, but would be glad the  
 \* noble Lord upon the wool-sack, would give the  
 \* house his opinion upon the case.

‘ The



‘ The objection, that if the public creditors had  
 ‘ a right in the sinking fund, it could not be applied  
 ‘ towards reducing any of those taxes, which are  
 ‘ most grievous upon the poor, is an objection that  
 ‘ has already been made, and then received a full  
 ‘ answer, but as it is now again repeated, allow me,  
 ‘ my Lords, to repeat the answer. The public cre-  
 ‘ ditors have a right to have the sinking fund ap-  
 ‘ plied yearly to the discharge of some of those debts  
 ‘ which were contracted before the year 1716; but  
 ‘ the Parliament may apply it to the payment of  
 ‘ which of those debts it pleases: As our taxes are  
 ‘ all mortgaged, for the payment of some one or  
 ‘ other of those debts, no tax can be reduced, till  
 ‘ the debt for which it is mortgaged, be paid off;  
 ‘ the meaning of that motion therefore was, that  
 ‘ the Parliament should apply the sinking fund, to  
 ‘ the payment of those debts, for which our most  
 ‘ grievous taxes are mortgaged, in order that the  
 ‘ tax might then be reduced; so that in that motion,  
 ‘ there was nothing, my Lords, in the least incon-  
 ‘ sistent with that right, which the public creditors  
 ‘ have in the sinking fund; which right is, in my  
 ‘ opinion, as a good a right, as the right they have in  
 ‘ those funds, which are appropriated for the pay-  
 ‘ ment of their annuities; and therefore, I cannot  
 ‘ but give my negative to the bill now before us.’

The question for passing the bill being at last put,  
 it was carried in the affirmative, without a division.

The Speakers in this debate were, against the bill, *Speakers.*  
 the Lord *Carteret*, the Lord *Bathurst*, and the Earl  
 of *Aylesford*: And for the bill, the Lord *Hervey*,  
 the Duke of *Newcastle*, and the Earl of *Illy*.

**T**HE bill for explaining and amending an act *Scotch Ha-  
 passed in the Parliament of Scotland, in the year* *beneas Corpus*  
 1701, intituled, *An act for preventing wrongous imprison-*  
*ments,*



*ments, and against undue delays in trials*, was, after a long debate for two days, at last, upon a division, passed in the house of Commons the 5th of May, by 139 to 131; and on the 9th of the same month the said bill was read a second time in the house of Lords, when a motion was made by the Earl of *Strafford*, for having the said act passed in *Scotland* in the year 1701, read to the house; whereupon the Earl of *May* stood up and spoke to this effect, *viz.*

The Earl of  
*May*'s speech  
against it.

‘ My Lords, I shall readily join with the noble Lord in the motion he has made for having the act, to which the bill refers, read to your Lordships: This I will rather agree to, because it has of late been industriously reported, that the liberty of the subject in *Scotland* is no way secured: It has, I know, been confidently asserted, that the subjects in that part of the island, are still in a state of absolute slavery; but when your Lordships have heard that act read, you will see that there is no manner of ground for such reports. Your Lordships will see that the *Scots* have not been idle, whenever they had an opportunity for securing their liberties, or for amending, explaining or enforcing that part of their law, which relates to securing the rights and liberties of the subject: Therefore I hope your Lordships will give all possible attention to the reading of this act; and as there are some law-terms and expressions in it which some of your Lordships may not perhaps so well understand, I shall beg leave, after it is read, to give some short explanation of them, from which I hope I shall be able to make it appear, that the act stands no way in need of any amendment or explanation; and that the bill now before us, instead of securing the rights and liberties of the subject, will render them more uncertain and precarious than they were before.’

The

The act was then read; and then his Lordship stood up again, and after giving a short explanation of the *Scotch* law terms, went on to this effect.

‘ Thus your Lordships may see, that no man in *Scotland* can be taken up or imprisoned, unless an information in writing, and signed by the informer, be first exhibited against him; and when any person is to be sent to prison, the magistrate who commits him is by law obliged to express in his warrant of commitment, the crime he is charged with, or the cause of his imprisonment; and farther, the jailor or keeper of the prison to which he is committed, is obliged to deliver to the prisoner, a copy of his warrant of commitment: Then, my Lords, with respect to tryals, if a prisoner be not brought to his tryal within a certain number of days in the act limited, he may apply to the proper court, and upon such application, that court is by law obliged to bring him to an immediate tryal, or otherwise to discharge him. And lastly, my Lords, with respect to bail; if the crime with which any prisoner is charged, be bailable, it is expressly ordered by the same act, that the judge or magistrate before whom he is brought upon any such charge, shall admit him to bail, and shall not require bail for any great or immoderate sum; nay, the law goes farther, it limits the magistrate to a certain sum for which he is to take bail, according to the rank and quality of the person accused; and the sums so limited, are by this act so small, that even the Parliament of *Scotland* thought fit afterwards to increase them to double the sums first appointed.

‘ From these few observations, your Lordships may see that the liberty of the subject in *Scotland*, is as fully secured by this act, as the liberty of the subject is in *England* by the *Habeas Corpus*; nay,

‘with respect to bail, the liberty of a subject in  
 ‘*Scotland* is, in my opinion, better secured, because  
 ‘the sum for which a man is to give bail, is there  
 ‘limited and ascertained; whereas, in *England*, the  
 ‘sum for which a man is to give bail, is left intire-  
 ‘ly to the discretion of the judge or magistrate who  
 ‘is to take the bail. It is true, in *Scotland*, an in-  
 ‘formation upon oath is not required; but that pro-  
 ‘ceeds from the whole spirit and tenor of their laws,  
 ‘by which an oath is deemed so sacred, that it is  
 ‘not presumed, that any real honest man will vo-  
 ‘luntarily subject himself to it; and whoever does  
 ‘so, is called an ultroneous witness, which is in that  
 ‘country always deemed a good reason for suspect-  
 ‘ing his evidence; and in all criminal matters,  
 ‘the lawyers and judges of *Scotland*; have always  
 ‘been of opinion, that no witness ought to be exa-  
 ‘mined upon oath against any man, but in a public  
 ‘court, and in the presence of the prisoner, when  
 ‘he and his counsel have an opportunity, and have  
 ‘always full liberty to cross-examine the witness,  
 ‘and to make him explain fully every thing he  
 ‘says.’

His Lordship then spoke to the several clauses of the bill, and endeavoured to shew the bad consequences with which they would be attended, and then concluded with his being against committing of the bill, for the reasons he had offered; and because, that if there was any cause for altering the law of *Scotland*, he thought such a great alteration as was proposed by that bill, ought not to be made, but after the most full and mature consideration, which he thought they could not have time for, so near the end of a session of Parliament.

To this the Lord *Carteret* answered in substance as follows, viz.

‘My

‘ My Lords, as I cannot pretend to any know-  
 ‘ ledge in the law of *Scotland*, much less to such a  
 ‘ thorough knowledge of that law as the noble  
 ‘ Lord who spoke last, I am at some loss when I  
 ‘ rise up, to speak to the bill now before us. I will  
 ‘ grant, my Lords, that the *Scots* have provided  
 ‘ as well for their rights and liberties as they could,  
 ‘ and that they have formerly endeavoured to pre-  
 ‘ vent all the dangers and incroachments which could  
 ‘ then be foreseen; but it is impossible, it would be  
 ‘ vain in any man, or in any set of men, to pretend  
 ‘ to guard against all the dangers that may thereafter  
 ‘ arise. The facts or events which gave occasion,  
 ‘ for bringing this bill into the other house, are not,  
 ‘ it is true, before us; but it is certain, and I have  
 ‘ even heard, that some things have happened lately  
 ‘ in that country, which shew, that all the in-  
 ‘ croachments that may be made upon the liberty of  
 ‘ the subject, are not sufficiently guarded against by  
 ‘ the act of the *Scotch* Parliament which has been  
 ‘ now read to you: These late occurrences, we may  
 ‘ suppose, gave rise to this bill in the other house;  
 ‘ and as there are a great many gentlemen in that  
 ‘ house who thoroughly understand the law of *Scot-*  
 ‘ *land*, we must suppose that they made it fully ap-  
 ‘ pear to the house, that some such bill was necessary,  
 ‘ before the bill could pass in that house.

‘ This, my Lords, is a general reason, at least  
 ‘ for our not rejecting this bill; but from the ob-  
 ‘ jections the noble Lord has been pleased to make  
 ‘ to it, I plainly see there is a necessity for passing  
 ‘ some such bill. It is, I think, most unreasonable  
 ‘ that any man should be deprived of his liberty  
 ‘ and subjected to the danger and expence of a trial,  
 ‘ perhaps for his life and fortune, upon a vague and  
 ‘ general information, not sworn to, but only sign-  
 ‘ ed by the informer; which he may, perhaps, have  
 ‘ given out of malice, or in a passion. I shall always

Speech in  
its favour.

' think that some sort of evidence is necessary, before  
 ' a subject be imprisoned, or so much as prosecuted  
 ' for any crime ; and I am sure, the least evidence  
 ' that can, in such a case, be required, is the oath  
 ' of one witness. Another particular reason for e-  
 ' vincing the necessity of some such bill is, that I  
 ' find it is neither the law nor the custom in *Scot-*  
 ' *land*, to examine the person accused before he is  
 ' committed to prison ; yet this, I must think, ought  
 ' always to be done, because, by such examination,  
 ' the magistrate, who grants his warrant, may find,  
 ' that the information upon which he granted the  
 ' warrant, was false and malicious. This, my  
 ' Lords, I am convinced of from experience ; for  
 ' when I had the honour to be in a place of high  
 ' trust under the crown, there was a fellow came to  
 ' me, and gave me an information upon oath, of no  
 ' less a crime than high treason, against some per-  
 ' sons in *Wapping* ; which information was so clear  
 ' and distinct, and the facts so probable, that I had  
 ' not the least reason to doubt of it ; however, as it  
 ' was my duty, I ordered the persons accused to be  
 ' brought directly before me ; and, upon examining  
 ' them, I very soon found that it was a false and a  
 ' villainous information, given by a fellow who had  
 ' run deeply in their debt, and had taken that way  
 ' to get free of what he owed them ; whereupon I  
 ' dismissed the persons accused, and had the infor-  
 ' mer immediately secured : Of this story I acquaint-  
 ' ed his late Majesty, who was so good as to order  
 ' the Attorney-General, to prosecute the fellow for  
 ' perjury, of which he was accordingly convicted,  
 ' and for which he suffered severely.

His Lordship then proceeded to examine the ob-  
 jections made to the several clauses of the bill, most of  
 which he endeavoured not only to answer, but to shew,  
 that from each of them arose a strong argument for  
 the necessity of passing some such bill. Some of the  
 objections



objections however he admitted, but shewed, that they might be very easily removed by amendments, which might and certainly would be made in the committee; and concluded with saying, That he hoped he had said enough to persuade their Lordships that they ought to commit the bill, where they might make what alterations and amendments they thought proper; and if any of their Lordships should not be pleased with it when so altered and amended, they might throw it out upon the third reading: but this was not complied with, as appears by the following protest.

*Die Veneris, 9 Maii, 1735.*

*Hodie 2da vice lecta est billa, Intitled, An Act for explaining and amending an Act passed in the Parliament of Scotland, and in the year one thousand seven hundred and one, Intitled, An Act for preventing wrongous imprisonment, and against undue delays in tryals. Proposed to commit the bill.*

After debate, the question was put, Whether this bill shall be committed?

It was resolved in the negative. *Contents 28, Not Contents 68.*

*Dissentient.*

1. **B**Ecause we apprehend a bill of this nature, sent up from the house of Commons, ought at least to have undergone the form of a commitment; since whatever was unnecessary or wrong in it, might there have been left out or amended. But several matters contained in the bill seem to us highly expedient to be passed into a law; for, by the law of Scotland, as it now stands, any judge may, by a summary warrant, commit persons upon information signed, without any oath made, and without

convening the parties before him, or hearing what they can alledge in their own justification, and send them to a remote prison in any corner of the kingdom. No exprefs words in any statute, do at present forbid such a practice, and we have great reason to believe that some abuse of this unlimited power did appear before the house of Commons, which might probably give the first rise to the bill.

2. Because, as the *Habeas Corpus* act is the great security of the liberties of this part of the united kingdoms, it would be, in our opinion, both unsafe and ungenerous, not to extend the same liberty to the other. For, should they, who have hitherto been brave assertors of their liberties, find themselves exposed to oppression, from which the rest of their fellow subjects are secured by law, necessity may prompt them to attempt, by violence, to free themselves; or revenge provoke them to become the instruments of power, and bring us under the same dependence. And the history of the late times sufficiently convinces us, that in those reigns, when arbitrary power was designed and attempted in this kingdom, desperate and adventurous agents were first sent to try the experiment in *Scotland*.

3. Because there was a provision in the bill, to prevent an abuse of seizing persons on pretence of debt, and detaining them till the elections were over, where they had a right to vote; the protection granted by the bill was no more than what every common court of justice actually allows to any evidence, whose presence may be necessary in matters of much less consequence: And, we cannot help testifying our surprize, that this regulation has not already been made over the whole united kingdoms: We hope, however, another session will not pass without taking  
effectual

effectual care to prevent such a dangerous abuse of law.

4. Because experience has shewn us the benefit which arose from delivering the subjects of that part of the kingdom from their vassalage, and freeing them from a servile dependence on their superiors; and, as we conceive the purport of this bill was no more than a natural extension of the same measure, it would have been the most probable, if not the only method to eradicate any remaining disaffection; tho' we have no grounds to suppose, from any late transactions, that there is any such. On the contrary, those who were thought the most disaffected, have lately appeared sufficiently tractable. But what disaffection the rejecting such a bill may create, even among the best subjects, and those who have always been most attached to the present establishment, we cannot reflect upon without concern. For, as the union was made in support of the present establishment, which is founded upon the revolution, and the revolution upon principles of liberty, they who have always asserted those principles, may (as we apprehend) justly complain, that the liberty of the subject is not equally secured in every part of the united kingdom.

5. Because, we are apprehensive it will appear very extraordinary to the world, that a bill for the security of the liberty of the subject, should have been thrown out of this house without a commitment, when so many bills have passed for laying on or continuing severe and heavy duties upon them. Remote apprehensions, dangers barely possible, and suspicions of disaffection, have been arguments formerly made use on the side of the crown, for enacting the severest penal laws upon the subject; and we conceive it still more incumbent on the legislature to be watchful over the liberties of the people

ple, committed to their care, since it is much easier to restrain liberty from running into licentiousness, than power from swelling into tyranny and oppression.

6. Because liberty being the common birth-right of all mankind, and still preserved to this nation by the wisdom and courage of our ancestors, we think an infringement of that right, tho' but for an hour, by wrongful imprisonment, is not only an injury to the person immediately concerned, but a notorious invasion of the constitution. We should not deserve those liberties our selves, if we did not take the most effectual methods to transmit them in their full extent to latest posterity, and to restrain, by proper laws, any flagitious attempts of ministers prompted by ambition, or drove by despair, who may at any time hereafter endeavour to undermine or attack them. Humanity and generosity particularly call upon us, who are distinguished by many privileges and advantages peculiar to ourselves, to secure to the people that liberty which they have an equal right to with us; a blessing! the meanest subject of this kingdom ought ever to enjoy in common with the greatest.

<i>Chesterfield,</i>	<i>Cobham,</i>	<i>Coventry,</i>
<i>Oxford and Mort.</i>	<i>Strafford,</i>	<i>Thanet,</i>
<i>Montjoy,</i>	<i>Bathurst,</i>	<i>Gower,</i>
<i>Haversham,</i>	<i>Litchfield,</i>	<i>Winchelsea,</i>
<i>Suffolk,</i>	<i>Boyle,</i>	<i>Northampton.</i>
<i>Foley,</i>	<i>Berkshire,</i>	

The question having been thus carried against committing this bill, it was therefore of course rejected.

ON *Thursday* the 15th of *May* the King came to the house of Peers, and the Commons being sent for, his Majesty gave the royal assent to several public and private bills.

After which his Majesty made the following speech to both houses.

‘ *My Lords and Gentlemen,*

‘ I AM glad the business of this session of Parliament is brought to such a conclusion, that I have now an opportunity of giving you some recess, after the great pains you have taken in the service of your country. On this occasion I must, in justice, return you my thanks for the many instances you have given me of your duty and affection to my person and government, and for the necessary provisions you have made for the public security, as far as the immediate circumstances of affairs might require. The King's speech.

‘ I have considered, with great care and attention, the present situation of *Europe*, and duly weighed the consequences that may arise from the progress of the war, either by means of its becoming more general, or continuing only to be carried on between the powers already engaged.

‘ An accommodation of these unhappy troubles, appeared to be the best means to prevent the dangers that are to be apprehended on either side. In this view, a plan of pacification was concerted between me and the States-General with great impartiality, and not without reasonable grounds to hope for success; although it hath not had the desired effect.

‘ But all farther resolutions, to be taken in this important and critical conjuncture, will be principally determined by future events. This makes it impossible for me, at present, to take the previous advice



‘ advice and concurrence of my Parliament, in such  
 ‘ measures as may become absolutely necessary to be  
 ‘ entered into. But you may be assured, that my  
 ‘ constant concern for the public welfare, the liber-  
 ‘ ties of *Europe*, and, in particular, for the felicity  
 ‘ and security of these kingdoms, will never suffer me  
 ‘ to take any steps, but such as the honour and in-  
 ‘ terest of my crown and people shall call for and  
 ‘ justify. And, in the pursuit of these great and  
 ‘ desirable ends, I do, with the best grounded con-  
 ‘ fidence, promise myself your zealous and affecti-  
 ‘ onate support.

‘ *Gentlemen of the house of Commons,*

‘ I return you my hearty thanks for the supplies  
 ‘ you have, with so much chearfulness and dispatch,  
 ‘ granted for the service of the current year; which  
 ‘ have been so effectually raised, and accompanied  
 ‘ with so seasonable an augmentation of our forces by  
 ‘ sea and land, that I shall be in a condition to make  
 ‘ use of them, in the most advantageous manner,  
 ‘ for the public service, as any occasion that may  
 ‘ happen to arise shall require.

‘ *My Lords and Gentlemen,*

‘ The conduct and prudence of this Parliament,  
 ‘ in a time of so great difficulty, cannot be enough  
 ‘ commended. The posture of affairs before us,  
 ‘ required all possible resolution, joined with caution,  
 ‘ neither to be unwarily involved in the present dis-  
 ‘ turbances, nor to remain unprovided against those  
 ‘ dangers, which are too obvious to stand in need of  
 ‘ any explanation, and may either directly or re-  
 ‘ motely affect us.

‘ As I think it necessary, this summer, to visit  
 ‘ my dominions in *Germany*, it is my intention to  
 ‘ appoint the Queen regent here during my absence;  
 ‘ of whose just and prudent administration you have,  
 ‘ on the like occasion, had experience. Let me  
 ‘ earnestly

‘ earnestly recommend it to you, to render the burden of this weighty trust as easy to her as possible, by making it your constant study and endeavour, as I am sure it is your inclination, to preserve the peace of the kingdom, and to discountenance and suppress all attempts to raise groundless discontents in the minds of my people, whose happiness hath always been, and shall continue, my daily and uninterrupted care.

And afterwards the Lord Chancellor, by his Majesty’s command, said,

*My Lords and Gentlemen,*

**I**T is his Majesty’s royal will and pleasure, that this Parliament be prorogued to *Thursday* the 12th day of *June* next, to be then here held; and this Parliament is accordingly prorogued to *Thursday* the 12th day of *June* next.

*The second session of the fourth Septennial Parliament.*

**O**N *Thursday* the 15th of *January* his Majesty opened the session with the following speech from the throne, viz.

*My Lords and Gentlemen,*

**T**HE happy turn which the affairs of *Europe* have evidently taken, since the end of the last session of Parliament, must, I am persuaded, give you all, as it does me, the greatest satisfaction. *The King’s speech.*

‘ I acquainted you then, that a plan of pacification, concerted between me and the States-General of the *United Provinces*, had been proposed to the parties

‘ parties engaged in the war, which had not the effect to prevent the opening of the campaign: The armies took the field, and the war was carried on in some parts in such a manner, as to give very just apprehensions, that it would unavoidably become general, from an absolute necessity of preserving that balance of power, on which the safety and commerce of the maritime powers so much depend.

‘ This consideration determined me to persevere, jointly with the States, in repeating our most earnest instances to the contending parties to agree to an armistice, and to enter into a negotiation for obtaining a general peace, upon the basis of the plan we had proposed to them.

‘ While affairs continued in this state of deliberation, the heat and fury of the war abated; and the Emperor and the most Christian King, in consequence of their repeated professions, of a sincere disposition to put an end to the war, by an honourable and solid peace, concerted and agreed upon certain preliminary articles, to answer that most desirable end. An armistice is since agreed to by all the parties engaged in the war; and the contracting powers, in regard to the good offices employed by me and the States, have communicated to us, by their respective ministers, the preliminaries, desiring our concurrence for effectuating a general pacification upon the terms thereby stipulated.

‘ It appearing, upon due examination, that these articles do not essentially vary from the plan proposed by me and the states, nor contain any thing prejudicial to the equilibrium of *Europe*, or to the rights and interests of our respective subjects; we have thought fit, in pursuance of our constant purpose, to contribute our utmost towards a general pacification, to declare, by a joint resolution, to the courts of *Vienna* and *France*, our approbation

‘ of

‘ of the said preliminaries, and our readiness to con-  
‘ cur in a treaty to be made for bringing them to  
‘ perfection.

‘ These preliminaries have been likewise commu-  
‘ nicated to the Kings of *Spain* and *Sardinia*; and  
‘ although those Princes have not as yet, in form,  
‘ declared their final resolutions upon them, there is  
‘ great reason to believe, that the love of peace,  
‘ their avowed dispositions for putting an end to the  
‘ troubles of *Europe*, and the amicable interposition  
‘ of common friends, will prevail upon them to a-  
‘ gree to what has been thus concerted, upon rea-  
‘ sonable security given them for the peaceable pos-  
‘ session and enjoyment of the countries allotted to  
‘ them.

‘ In these circumstances, my first care was, to  
‘ ease the burdens of my people, as soon, and as far  
‘ as prudence, in the present posture of affairs, would  
‘ permit. I have therefore ordered a considerable  
‘ reduction to be made of my forces, both by sea  
‘ and land; and if the influence of the crown of  
‘ *Great-Britain*, and the respect due to this nation,  
‘ have had any share in composing the present trou-  
‘ bles in *Europe*, or preventing new ones, I am per-  
‘ suaded you will be of opinion, that it will be ne-  
‘ cessary to continue some extraordinary expence,  
‘ until there be a more perfect reconciliation among  
‘ the several powers of *Europe*.

‘ *Gentlemen of the house of Commons,*

‘ I have offered the proper officers to lay before  
‘ you the estimates for the service of the current  
‘ year; and I make no doubt, but my desire  
‘ to make the charge of the publick as low as pos-  
‘ sible, will find in you the same readiness to grant  
‘ the necessary supplies with chearfulness and unani-  
‘ mity.

‘ *My*

‘ *My Lords and Gentlemen,*

‘ I am willing to hope, this pleasing prospect of  
 ‘ peace abroad, will greatly contribute to peace and  
 ‘ good harmony at home. Let that example of  
 ‘ temper and moderation, which has so happily  
 ‘ calmed the spirits of contending Princes, banish  
 ‘ from among you all intestine discord and dissention.  
 ‘ Those who truly wish the peace and prosperity of  
 ‘ their country, can never have a more favourable  
 ‘ opportunity than now offers, of distinguishing them-  
 ‘ selves, by declaring their satisfaction in the progress  
 ‘ already made, towards restoring the public tran-  
 ‘ quility, and in promoting what is still necessary to  
 ‘ bring it to perfection’

Motion for  
 an address.

This speech was immediately taken into consideration by the house of Lords, and the same being read to the house, it was moved as follows, *viz.* To order, That an humble address be presented to his Majesty, to return the thanks of this house for his most gracious speech from the throne: To express the just sense this house hath of his Majesty’s great concern for the balance of *Europe*, his vigilance to prevent a general war, and to maintain the security and commerce of his kingdoms: To declare their satisfaction in his Majesty’s perseverance, to pursue these great ends, by endeavouring to bring the contending powers to an accommodation, and the well-grounded hopes which they always conceived, that the good offices of his Majesty and the States General, would be attended with real and beneficial effects: To congratulate his Majesty, on the pleasing prospect of approaching tranquillity; and to express the great satisfaction of this house upon the gracious communication made in his speech, touching the preliminary articles between the Emperor and *France*, and the joint resolution taken there-



thereupon by his Majesty and the States: To acknowledge, with the greatest gratitude, his Majesty's tender care of his people, in preserving to them the blessings of peace; and to declare, that this house fees with pleasure, in our present situation, the happy effects of the extraordinary supplies of late years granted by Parliament: To return his Majesty the thanks of this house, for the orders given for a reduction of his forces; assuring him, in the strongest manner, that this house will zealously and chearfully concur in all such measures as shall be necessary to secure the safety of his Majesty's kingdoms, and to continue the just influence of his crown among the powers abroad: To promise his Majesty, that this house will, to the utmost, promote good harmony and unanimity at home, and demonstrate, by all their actions, how much they have at heart the effectual support of his Majesty and his government, the preservation of the Protestant succession, and the peace and prosperity of their country.

To this motion several objections were made; and in particular it was proposed to leave out, in the fifth paragraph, these words, *viz. And to declare, that this house fees with pleasure, in our present situation, the happy effects of the extraordinary supplies of late years granted by Parliaments.*

The arguments made use of in support of this amendment, were in substance as follows, *viz.*

' My Lords, by the ancient usage of this house,  
' no speech from the throne was ever taken into  
' consideration the same day it was made. Our an-  
' cestors were not so complaisant as to make any  
' compliments even to the throne itself, without  
' having first maturely weighed the subject upon  
' which they were to make their compliments; and  
' therefore they always appointed a day for taking  
' his Majesty's speech into consideration; in order  
' that those Lords, who knew nothing of the speech  
' till

Argument  
for the a-  
mendment.

' till they heard it from the throne, might have  
 ' time to peruse it, and to consider what might pro-  
 ' perly be said, by way of return. This, my Lords,  
 ' was the ancient custom, and this, I must think,  
 ' was more consistent with the honour and dignity  
 ' of this house, than that method we have lately  
 ' fallen into, of taking his Majesty's speech imme-  
 ' diately into our consideration, and agreeing to such  
 ' an address as some Lords may be pleased to pro-  
 ' pose, before we can possibly have time to consider,  
 ' whether it be proper or not. For this reason I  
 ' could wish we would return to our ancient cu-  
 ' stom, and instead of agreeing or disagreeing to  
 ' the motion now made, appoint a day for tak-  
 ' ing his Majesty's speech into our consideration,  
 ' and order the house to be summoned for that pur-  
 ' pose.

' As I knew nothing of the contents of his Ma-  
 ' jesty's speech, till I heard it from the throne, it  
 ' cannot, my Lords, be presumed that I can state  
 ' my objections to the address now proposed, in such  
 ' a regular manner as I might do, if a day were ap-  
 ' pointed for our taking the speech into considerati-  
 ' on: I believe there are a great many other Lords  
 ' in the same circumstances with me; and although  
 ' we had, in a private manner, been fully informed  
 ' of the contents of that speech which was to be  
 ' made, yet I do not think it regular, or consistent  
 ' with the dignity of this house, to proceed upon  
 ' any such private information. As members of  
 ' this house, we can have nothing under our confi-  
 ' deration, nor ought we to form an opinion or a  
 ' resolution about any thing, till it has, in a proper  
 ' and regular manner been laid before the house;  
 ' and, in this light, I am of opinion none of your  
 ' Lordships can say, that you have fully and ma-  
 ' turely considered the speech now before you; for  
 ' my own part, I am sure I cannot; but even from  
 ' the little time I have had, to consider the speech  
 ' and

‘ and the address now moved for, I am sure I cannot pretend to say, that my hopes have been answered by the peace that has been concluded, or by any thing else that has happened; for I must say, I could never form any hopes from the measures we have taken, or from any account of our late transactions, that has ever been laid before this house; and, I believe, there are many of your Lordships, who have always been of the same opinion with me; therefore, if we resolve to mention in our address, any thing about our hopes, I think we ought to say, that by various hidden causes, and extraordinary incidents, Providence has been pleased, without any merit in us, to bring about a peace, far beyond our hopes, and even contrary to our expectations. A peace, my Lords, has, it is true, been brought about, but I am very certain, we cannot say it is a good peace for this nation; and I am much afraid, it will not be so lasting as some people may perhaps imagine.

‘ I know, my Lords it has always been said that no expressions in our address of thanks, for his Majesty’s most gracious speech from the throne, can any way tie up or controul the future proceedings or resolutions of this house, yet I hope we shall always take care, not to put any expression or allegation in an address of this house which the generality of the world knows to be false; and for this reason, I cannot agree to put any words into our address, which may seem to insinuate, that the peace was owing to any preparations made by us, or to any supplies granted by former Parliaments. Can it be pretended, that there is the least ground for any such insinuation? Can it be said, that our adding 6 or 7000 men to our land forces, had so frightened *France*, as to make them give up any of those pretensions they had seriously at heart? Can it be alledged, that our squadrons made them give up the affair of *Poland*, when the whole world

' knows, we never sent so much as one ship into  
 ' the *Baltic*? Or can it be said, that our squadrons  
 ' set limits to any of their designs in *Italy*, without  
 ' ever appearing in the *Mediterranean*? My Lords,  
 ' whatever his Majesty's endeavours were, we may  
 ' judge from the event, that he could have no hand  
 ' in the peace that has been concluded; for I am  
 ' convinced his Majesty never did, nor ever would  
 ' use the least endeavour, for annexing to the crown  
 ' of *France* for ever, the whole dominions of the  
 ' Duke of *Lorrain*: This, my Lords, is a cession,  
 ' which this nation, as well as the rest of *Europe*,  
 ' may soon have reason to repent of: It is a measure,  
 ' which I am sure his Majesty would never propose  
 ' or countenance; and if any of his ministers did  
 ' so, I call upon them now to declare it: But, my  
 ' Lords, I believe no one of them will dare to own  
 ' any such thing; and as this was apparently the  
 ' motive, which induced *France* to sacrifice all her  
 ' other views, as well as most of the views of her  
 ' allies, how can we say in our address, with any  
 ' appearance of truth, that the peace was owing to  
 ' our preparations, or to any of his Majesty's en-  
 ' deavours? Or how can we from thence declare,  
 ' that we see with pleasure, the happy effects of the  
 ' extraordinary supplies of late years granted by Par-  
 ' liaments? Therefore, if your Lordships are resol-  
 ' ved to agree immediately upon an address of thanks,  
 ' I hope you will leave these words out of your  
 ' address; for I cannot think any of your Lord-  
 ' ships will say, you see with pleasure the dominions  
 ' of *France* enlarged, by the accession of such an ex-  
 ' tensive and convenient country as that of the dutchy  
 ' of *Lorrain*.

The answer was in substance as follows, *viz.*

Answer.

' Whatever the ancient custom may have been,  
 ' my Lords, with relation to the appointing a day

to



‘ to take his Majesty’s speech into consideration, it  
‘ is certain this custom has been long laid aside;  
‘ for it must be granted, that not only for a great  
‘ many years, but even for a great many reigns, the  
‘ custom and usage of this house has always been, to  
‘ take his Majesty’s speech immediately into our  
‘ consideration, and to order an address, by way of  
‘ return thereto. This, I say, my Lords, has been  
‘ the uninterrupted custom for many reigns; and  
‘ now to deviate from that custom, or to reassume  
‘ an old obsolete custom upon the present occasion,  
‘ would certainly look, as if we disapproved of  
‘ some of the measures lately taken by his Majesty,  
‘ and would be in some manner offering a sort of  
‘ indignity to him; which I am persuaded no one  
‘ of your Lordships has the least inclination to offer;  
‘ and for this reason I hope, neither the noble Lord  
‘ who proposed it, nor any other of your Lordships  
‘ will insist upon the question, for appointing a  
‘ day to take his Majesty’s speech into considera-  
‘ tion.

‘ If there were any thing very dark and intricate  
‘ in his Majesty’s speech, or in the motion now  
‘ made to you for an address: If any thing in the  
‘ address could be of any great consequence, or have  
‘ any great effect upon future proceedings, there  
‘ might be some reason for our taking some time to  
‘ consider his Majesty’s speech, as well as the address  
‘ proposed to be made upon the present occasion;  
‘ but, in my opinion, and, I believe, in the opinion  
‘ of most Lords of this house, there is not the least  
‘ obscurity or ambiguity in any part of his Ma-  
‘ jesty’s speech, or of the motion now made to us;  
‘ and as no expression we can put into the address,  
‘ nor any compliment we may make upon such an  
‘ occasion, can have the least influence upon any of  
‘ our future proceedings; therefore we have the less  
‘ reason to be so mighty cautious of what we shall  
‘ say upon the present occasion.



‘ That peace is more desirable than war, is what  
‘ I believe, will be granted by every one of your  
‘ Lordships; and it will, I believe, likewise be grant-  
‘ ed, that the balance of power in *Europe* was lately  
‘ in great danger of being over-turned, and that this  
‘ nation was lately in the most imminent danger of  
‘ being involved in a bloody and expensive war. The  
‘ restoring of the peace of *Europe*, the preserving and  
‘ re-establishing the balance of power, and the pre-  
‘ venting this nation’s being involved in a war, are ef-  
‘ fects which all mankind must acknowledge to be hap-  
‘ py, and they are effects, which have been lately some  
‘ way or other brought about: For my own part,  
‘ I am convinced they are the effects of the extra-  
‘ ordinary supplies of late years granted by the Par-  
‘ liament of this kingdom; and I shall continue to  
‘ think so, till I see it demonstrated, that they have  
‘ proceeded from some other cause. The adding of  
‘ 6 or 7000 men to our land forces, was not in it  
‘ self, it is true, of any great consequence to *France*,  
‘ or to any other power of *Europe*; but the making  
‘ of that addition, and our contracting with the  
‘ King of *Denmark* for some of his troops, shewed  
‘ that we were in earnest, and that we were resolved  
‘ to enter into the war, for supporting the balance  
‘ of power in *Europe*, as soon as we should observe,  
‘ that either of the parties had any views, which  
‘ were inconsistent with the preservation of that ba-  
‘ lance; in which case we could, and we certainly  
‘ would have entered into the war, with a body of  
‘ 70,000 men, or perhaps 170,000 in case of ne-  
‘ cessity: This, my Lords, *France* very well knew,  
‘ and this, perhaps, made them give up some of those  
‘ pretensions, they had at first seriously at heart; or at  
‘ least prevented their having any pretensions seriouf-  
‘ ly at heart, which were inconsistent with that, they  
‘ saw us preparing to support and defend.’  
‘ Altho’ none of our squadrons appeared either in  
‘ the *Mediterranean* or the *Baltic*, yet, my Lords,  
‘ I am

‘ I am firmly persuaded, that our fitting out and  
 ‘ preparing powerful squadrons, and our having them  
 ‘ ready to sail either to the *Mediterranean* or the  
 ‘ *Baltic*, as we should find occasion, not only set  
 ‘ limits to the designs of *France* and her allies in  
 ‘ *Italy*, but actually laid them under a necessity, of  
 ‘ departing from that scheme, relating to the par-  
 ‘ tition of *Italy*, which they had formed to them-  
 ‘ selves at the beginning of the war : And as to the  
 ‘ affair of *Poland*, tho’ we did not send a ship into  
 ‘ the *Baltic*, yet we know it was publicly reported,  
 ‘ that our having fitted out such a powerful squa-  
 ‘ dron, prevented the *French* from sending their  
 ‘ *Brest* squadron to the relief of *Dantzick* ; so that if  
 ‘ there was any truth in that report, it may be pro-  
 ‘ perly enough said, that our squadrons made them  
 ‘ give up the affair of *Poland*.

‘ With respect, my Lords, to the treaty of peace  
 ‘ that has been concluded, I shall not pretend to  
 ‘ determine, by what means, or by whose endeavours  
 ‘ it has been brought about ; but I cannot think it  
 ‘ a peace of such dangerous consequence, as some  
 ‘ are pleased to represent : The whole dominions of  
 ‘ *Lorrain* are, it is true, to be annexed to the crown  
 ‘ of *France* for ever ; but it cannot be said, that  
 ‘ *France* thereby gets any addition of power, for did  
 ‘ she not formerly take possession of all those domi-  
 ‘ nions whenever she pleased ; so that, tho’ *France*  
 ‘ by this treaty of peace, acquires a new right or  
 ‘ title, yet it cannot be said, that she acquires any  
 ‘ new or additional power : But as this is an affair  
 ‘ quite foreign to our present purpose, I shall only  
 ‘ add, that I am convinced, there is not a Lord in  
 ‘ this house, who imagined four months since, that it  
 ‘ was possible for the Emperor to have made so good  
 ‘ a peace, unless the maritime powers had actually  
 ‘ engaged in the war, and had thereby enabled him  
 ‘ to force the *French* and their allies, to agree to rea-  
 ‘ sonable terms. Yet, my Lords, we find this ex-

extraordinary event, has been some way or other  
 brought about, without engaging either of the ma-  
 ritime powers in the war; and, in my opinion,  
 this event, extraordinary as it is, is intirely owing  
 to the wisdom of his Majesty's conduct, and the  
 good harmony which has always subsisted between  
 him and his Parliament; which harmony, if it be  
 continued, will certainly establish and preserve that  
 peace, which has been brought about, and will at  
 last, make this a happy and a flourishing kingdom;  
 therefore, I hope your Lordships will agree to the  
 motion that has been made you, without any a-  
 mendment or alteration.

The reply was to this effect, *viz.*

Reply.

My Lords, tho' the custom of appointing a day  
 for taking his Majesty's speech into consideration,  
 had been laid aside for a much longer time than it  
 really has, yet as it was a good and a decent cus-  
 tom, it ought to be reassumed; and our reassuming  
 an ancient usage, which all the world must allow  
 to be a good one, can never look like a disappro-  
 bation of any of his Majesty's measures, much less  
 can it be looked on as offering any indignity to  
 him; But, my Lords, when we hear such an argu-  
 ment made use of, when we hear it said, that our  
 reassuming the ancient dignity of this house, will  
 be offering a sort of indignity to his Majesty, it  
 ought to make us cautious of ever neglecting or  
 suspending any of those forms or customs, which  
 have been established by our ancestors, for regula-  
 ting the proceedings of this house; and this I  
 hope your Lordships will take particular notice of  
 upon some future occasion; for if we be every  
 session, or every Parliament, giving up and never  
 reassuming, we shall at last have neither decency  
 nor solemnity left in any of our proceedings.

As I have had no time to consider either the  
 speech or motion, I cannot pretend to determine  
 whether

‘ whether or no there be any thing dark or intricate in either ; but the easiest and the most plain speech that was ever composed, to a man who has not considered it, must be the same, as if it were dark and intricate ; neither the one nor the other can be understood, and no man who regards his character will give an answer, or agree to what he does not understand. If there be nothing dark or intricate, either in the speech or motion, the less time will be necessary to consider them ; but let both be as clear and intelligible as possible, it is reasonable that those Lords who heard nothing of the speech, till they heard it in this house, should have some time to consider it, before they be desired to give their consent to any answer that can be made to it.

‘ With respect to the consequences of what we may happen to insert in our address, or the effect it may have upon our future proceedings, considering how precipitately we are like to agree upon an address, I could almost wish it were a thing of as little importance, as it has been represented ; but, my Lords, while this house preserves its honour and dignity, while this nation preserves its freedom, the address of this house will always be of great consequence, and will have a great effect, not only upon our own future proceedings, but upon all the affairs of the nation ; nay, upon all the affairs of *Europe* in general. We are not indeed, under any absolute necessity of conforming in our future proceedings to every thing contained in our address of thanks, for his Majesty’s most gracious speech from the throne ; but still it must be granted, that what we say in our address, has an effect upon our future proceedings, and has been often made use of, as an argument against our agreeing to propositions afterwards made, because of their being repugnant to what we had said in our address.

' We all know, my Lords, that the compliments  
 ' made to his Majesty upon any such occasion, are  
 ' generally understood to be compliments made to  
 ' his ministers; and if in this session, we should en-  
 ' ter upon an inquiry into the conduct of his Ma-  
 ' jesty's ministers, and should from thence discover  
 ' that they had shewn no concern for the balance of  
 ' power, that their negligence or their blunders had  
 ' been the occasion of the late war, and that both  
 ' the security and the commerce of these kingdoms,  
 ' had been thereby brought into the utmost danger;  
 ' I must beg of your Lordships to consider, how in-  
 ' consistent it would look for this house, to come to  
 ' any such resolutions, after having at the beginning  
 ' of the session agreed to the second paragraph of  
 ' the motion now before you: And upon such an oc-  
 ' casion, would not this apparent inconsistency, be  
 ' made use of as an argument, would it not be a  
 ' prevailing argument against your coming to any  
 ' such resolution?

' But this is not all; the address of this house, as  
 ' long as we preserve any character or respect in the  
 ' nation, will always have a great effect upon the  
 ' minds of the people, and will, in some measure,  
 ' influence the proceedings of the other house: Nay,  
 ' my Lords, it will have an effect upon the conduct  
 ' of all the Princes of *Europe*, and may induce them  
 ' to come into such measures, as may be highly pre-  
 ' judicial to the interest of this nation, and such as  
 ' cannot be recalled or remedied, by any future re-  
 ' solution of this house. With respect to our con-  
 ' duct in the interval of Parliament, foreign powers  
 ' may perhaps look upon it, as the conduct of our  
 ' ministers, and not of the nation; and for that rea-  
 ' son, they may suspend entering into any measures,  
 ' or coming to any resolutions to our prejudice, till  
 ' the meeting of the next session of Parliament; but  
 ' if they then see the two houses of Parliament com-  
 ' plimenting his Majesty's ministers, and approving



‘ of all they have done, they will then begin to look  
‘ upon our past conduct, as the conduct of the na-  
‘ tion, and will immediately take their measures or  
‘ their resolutions accordingly. We have it, it is  
‘ true, in our power to depart from our address by a  
‘ future resolutions; but after the resolutions of fo-  
‘ reign States are taken, after they have concerted  
‘ their measures, we cannot make them depart from  
‘ such measures or resolutions, by any future resolu-  
‘ tion of ours; and thus, by an ill-timed compli-  
‘ ment to his Majesty, or rather to his ministers, we  
‘ may involve our country in great difficulties, and  
‘ bring it to the utmost distress.

‘ Peace, my Lords, is certainly a most desirable  
‘ thing, but it is not always more desirable than war:  
‘ If at the end of King *William’s* reign we had  
‘ thought a peace at any rate more desirable than  
‘ war, not only this nation, but perhaps the great-  
‘ est part of *Europe*, would long before now have  
‘ been slaves to *France*: We ought not therefore to  
‘ be so extremely busy with our congratulations upon  
‘ the pleasing prospect of approaching tranquillity:  
‘ We ought first to examine what sort of a tran-  
‘ quillity we are like to have, and what the conse-  
‘ quences of it may be: I shall readily agree with  
‘ the noble Lord, that the balance of power was  
‘ lately in great danger, I shall likewise agree that  
‘ this nation was lately in great danger of being in-  
‘ volved in a bloody and expensive war; but I can-  
‘ not agree with his Lordship in thinking, that in  
‘ either case the danger is quite over. On the con-  
‘ trary, I think the balance of power is brought  
‘ into more danger by the peace, than it was by the  
‘ war; because if the war had continued, it was in  
‘ our power to have recovered it from that danger,  
‘ whenever we had a mind; but it will not be in  
‘ our power whenever we have a mind, to take  
‘ *Lorrain* from *France*, or to get the Emperor, *Po-*  
‘ *land*, and *Muscovy* to join with us in that under-  
‘ taking;

‘ taking; and as *France* was before an over-match  
 ‘ for any power in *Europe*, the addition of any  
 ‘ thing, even the smallest village, to that crown, is  
 ‘ a step towards overturning the balance of power;  
 ‘ but the addition of such a populous and fertile province as the dukedom of *Lorrain*, is certainly a  
 ‘ most wonderful stride.

‘ I am surprised to hear it said, that *France* acquires no new or additional strength by the surrender of *Lorrain*. It is true, she generally took possession of it at the beginning of a war; but as that country was generally rendered desolate by the war, she could reap little benefit by it during the continuance of the war; and upon a peace she was always obliged to restore it: Then again, while that Dutchy continued in the possession of its own Princes, and was a part of the Empire, it was a barrier for all that part of the Empire, situate between it and the *Rhine*; because the seizing of any place in *Lorrain* by *France*, was always looked on as a declaration of war, by which the Princes of the Empire were alarmed, and had some time to put themselves upon their guard: But *Lorrain* being now given up to *France*, its towns will immediately be strongly fortified, and numerous garri- sons kept in them, by which *France* will be enabled to surprise and take possession, whenever she pleases, of all that part of the Empire between *Lorrain* and the *Rhine*; so that all that part of the Empire, will from henceforth be in the same condition that *Lorrain* formerly was; and if *Lorrain* was before to be looked on as a part of the kingdom of *France*, because it was in her power to take possession of it whenever she pleased, we must for the same reason conclude, that from henceforth the county of *Deux Ponts*, a great part of the Electorate of *Treves*, of the Electorate of the Prince *Palatine* of the *Rhine*, of the Bishopric of *Spiers*,

‘ of

of the Bishoprick of *Worms*, and several other estates of the Empire, are to be looked on as part of the kingdom of *France*; and therefore may hereafter be without any jealousy absolutely surrendered to her, if ever the doctrine should prevail, that there is no difference between a violent possession, and a rightful undisturbed possession. But even with respect to *Lorrain* itself, the rightful undisturbed possession of it will add vastly to the power of *France*; for even during the continuance of war, tho' *France* had possession of the country, she possessed none of the revenues; these having almost always been possessed by the Dukes of *Lorrain*; whereas the revenues will be now much improved by its being no longer the seat of war, and will belong to, and be levied by *France*, both in time of war and in time of peace; from whence we may, with a great deal of probability conclude, that a yearly sum of at least 500,000 *l.* sterling, will be added to the revenue of *France* by the accession of *Lorrain*; and as by the situation of *Lorrain*, the frontiers of *France* will be contracted, rather than enlarged, which will prevent her being obliged to keep up any greater land force than formerly, we may presume, that this whole sum will be employed yearly towards increasing and keeping up her naval armaments; and how a peace, which may so probably increase the naval power of our greatest and most dangerous rival, can be called a pleasing prospect to *Great-Britain*, I cannot so readily comprehend. From these considerations, my Lords, I must leave it to your Lordships, wherether we ought to burst out in such raptures of joy on the pleasing prospect of approaching tranquillity.

Now, my Lords, let us see how we stand with respect to our own security and commerce: A peace is concluded, it is true, between the Emperor and *France*, but are we included in that peace?

There

' There were before several bones of contention be-  
 ' tween us and *France*, as well as *Spain*, and I am  
 ' afraid, they are no way diminished by our late  
 ' conduct. If by our powerful squadrons we set li-  
 ' mits to the designs of *France* and her allies in *Ita-*  
 ' *ly*, or made *France* give up the affair of *Poland*;  
 ' if by our preparations we prevented the King of  
 ' *France* from establishing his father-in-law upon the  
 ' throne of *Poland*, or the King of *Spain* from esta-  
 ' blishing his son in the Dukedoms of *Tuscany*, *Par-*  
 ' *ma*, and *Placentia*; can we expect that these dis-  
 ' appointments will be easily forgiven or forgot?  
 ' And in case these powers should make up the little  
 ' differences at present subsisting between them, and  
 ' should join together in order to revenge themselves  
 ' upon us, are we sure of the Emperor for an al-  
 ' ly? Have we, by our late conduct, laid him un-  
 ' der any obligations of honour or conscience to fly  
 ' to our assistance; or upon what else does our secu-  
 ' rity depend? When to these questions, my Lords,  
 ' I have received a satisfactory answer, I shall be  
 ' ready to acknowledge, with the greatest gratitude,  
 ' the tender care of his Majesty's ministers for his  
 ' Majesty's people, in preserving to them the bles-  
 ' sings of peace; and to declare, that I see with  
 ' pleasure, in our present situation, the happy effects  
 ' of the extraordinary supplies of late years granted  
 ' by Parliament.

' I have, my Lords, as great an opinion of his  
 ' Majesty's wisdom and conduct, as any Lord in  
 ' this house; but for the wisdom and conduct of his  
 ' ministers, I have not perhaps, the same esteem that  
 ' some others may have; and since his Majesty's  
 ' wisdom and conduct can never be brought in que-  
 ' stion here, since it is the wisdom and conduct of  
 ' his ministers only, that can come under our confi-  
 ' deration, I have treated the subject the more free-  
 ' ly. I shall always be fond of seeing a just and

' true

‘ true harmony between his Majesty and his people,  
 ‘ as well as his Parliament; for unless the harmo-  
 ‘ ny between the King and Parliament be found-  
 ‘ ed upon a harmony between King and People,  
 ‘ we can neither expect to meet with trust, or confi-  
 ‘ dence from our Allies, nor can we expect to spread  
 ‘ terror and dread among our enemies. Thus, my  
 ‘ Lords, I have taken notice of what I take to be  
 ‘ amiss in the motion now before you; I shall not  
 ‘ insist, either upon delaying the consideration of this  
 ‘ matter, or upon any particular amendment; be-  
 ‘ cause, from what I have said, the committee, who  
 ‘ shall be appointed to draw up the address, will be  
 ‘ able to rectify the motion; and I hope they will  
 ‘ take care to do it in such a manner, as that the ad-  
 ‘ dress may be unanimously agreed to.’

The question was then put, whether an address Question.  
 should be made to his Majesty upon the foregoing  
 motion? And it being resolved in the affirmative,  
 without any division, and ordered accordingly; a  
 committee was appointed to draw it up; who re-  
 tired immediately into the Prince’s chamber, and  
 having drawn up an address, it was reported and a-  
 greed to the same evening, and was as follows, &c.

*Die Jovis, 15 Januarii, 1735.*

*Most gracious Sovereign,*

‘ **W**E your Majesty’s most dutiful and loyal Lords ad-  
dress.  
 ‘ subjects, the Lords spiritual and tempo-  
 ‘ ral in Parliament assembled, beg leave to return  
 ‘ your Majesty our sincere, and most humble thanks  
 ‘ for your most gracious speech from the throne.  
 ‘ The experience we have had of your Majesty’s  
 ‘ just apprehensions of the consequences of the war,  
 ‘ and of your vigilance to prevent its becoming ge-  
 ‘ neral, filled our minds with the strongest assu-  
 ‘ rances, that the preservation of the balance of pow-  
 ‘ er,



er, and of the safety and commerce of your kingdoms, were the governing motives of your Majesty's conduct.

These principles, truly worthy of a King of *Great-Britain*, we have seen exerted with a perseverance superior to all difficulties, by your uninterrupted endeavours to bring the contending powers to an accommodation, in order to the obtaining a general peace: And when we considered your Majesty's firmness, and the weight which this nation ought to have in the affairs of *Europe*, we always conceived well-grounded hopes, that your royal wisdom, and the good offices employed by your Majesty, in conjunction with the States-General, would be attended with real and beneficial effects.

Permit us, Sir, on this occasion, to congratulate your Majesty upon the agreeable prospect of approaching tranquillity, which you have had the goodness to lay before us; and to profess the great satisfaction we feel, on your having communicated to us, that the preliminary articles agreed upon between the Emperor and the most Christian King, appeared, upon a due examination to be such, as induced your Majesty, and the States, by a joint resolution, to declare your approbation thereof, and your readiness to concur in a treaty to be made for bringing this work to perfection.

The union and harmony, which hath so happily subsisted between your Majesty and that Republic, will, we trust, be productive of such farther good consequences, as may effectuate a general pacification: And the glorious example, which your Majesty hath held forth to other Princes, of preferring the love of solid and honourable peace to the views of restless ambition, together with the amicable interposition of common friends, will, we

doubt

'doubt not, prevail intirely, to put an end to the  
'present troubles.

'Your Majesty's tender care of your people, in  
'preserving to them the blessings of peace, while  
'other countries have been harrassed with war, calls  
'for our most thankful acknowledgements, which  
'we beg leave to lay at your royal feet.

'The extraordinary supplies of late years necessa-  
'rily raised by your Parliament, however unwil-  
'ling to burden their fellow subjects, have been the  
'result of their just confidence, that all powers re-  
'posed in your Majesty, would be made use of only  
'for the honour of your crown, and the welfare of  
'your people.

'It is with the greatest pleasure, we now see the  
'happy effects of these measures, in our present si-  
'tuation; nor could we entertain the least doubt,  
'but that your Majesty would improve the first op-  
'portunity to lessen this expence, as far as prudence  
'and the posture of affairs would permit. In this  
'view, we beg leave to return our unfeigned  
'thanks for the Orders, which your Majesty hath  
'graciously been pleased to give for making a con-  
'siderable reduction of your forces, both by sea and  
'land; and we cannot accompany those thanks with  
'a more becoming proof of our gratitude, than by  
'assuring your Majesty, as we most sincerely do,  
'that we will zealously and chearfully concur in all  
'such measures, as shall be necessary to maintain  
'the security of your kingdoms, and to continue  
'the just influence of your crown among the pow-  
'ers abroad.

'We are deeply sensible of your Majesty's un-  
'wearied labours to make us a happy people. No-  
'thing shall be wanting, on our part, to render those  
'paternal labours effectual, by promoting good  
'harmony and unanimity at home, and by de-  
'monstrating, in all our actions, how steadfastly we  
'have at heart, the zealous and vigorous support  
'of

‘ of your Majesty and your government, the preservation of the protestant succession in your royal house, and the peace and prosperity of our country.’

Which address was next day presented to his Majesty by the house in a body, and his Majesty returned the following most gracious answer.

The King's  
answer.

My Lords,

**I** Return you my thanks for this dutiful and affectionate address. Nothing can give me so sensible a pleasure, as the satisfaction you shew in my endeavours for the repose of Europe, and the care I have taken of the peace and welfare of my kingdoms. As I rely, with the greatest confidence, on your support in the pursuit of these great ends; so you may always depend on my steady perseverance in such measures, as may most effectually promote and secure the ease, commerce, and prosperity of my people.

Speakers.

The principal Speakers in the above debate for the amendment to the motion were, the Earl of *Strafford*, the Lord *Carteret*, the Earl of *Chesterfield*, and the Lord *Bathurst*; and the principal Speakers against it were, the Duke of *Newcastle*, the Lord *Hervey*, &c.

Motion for  
an address in  
the house of  
Commons.

**HIS** Majesty's speech having been read by Mr. Speaker in the house of Commons, *Stephen Fox* Esq; stood up, and after a short speech in praise of his Majesty's conduct, and his great concern for the ease and happiness of his people, in preventing their being engaged in the late war, he made the following motion, viz. ‘ To resolve: That an humble address should be presented to his Majesty, to return his Majesty the thanks of that house for his most gracious speech from the throne. To express their most grateful sense of his Majesty's continued la-

bour

'bour and endeavours to restore the public tranquillity, and his particular care therein, to avoid involving this nation unnecessarily in the endless and fatal consequences of a general war: To congratulate with his Majesty, upon the happy turn which the affairs of *Europe* had taken, by their Imperial and most Christian Majesties having agreed to preliminary articles for a general pacification; and upon the great probability there appeared to be, of their being accepted and agreed to by all the powers engaged in the war: And to declare, (from the assurances which his Majesty had been graciously pleased to give them, that those preliminaries did not essentially vary from the plan of pacification concerted and proposed by his Majesty and the States General; from a just confidence in his Majesty's goodness, and the experience they had of his constant and paternal care of the true interests of his people, through the whole course of this great and intricate work; and from his Majesty's having declared, in conjunction with the States, his approbation of the said preliminaries, as proper conditions of a general pacification;) that they could make no doubt, but they were such as would give a general satisfaction: To return his Majesty their most dutiful thanks for his early care in easing the burdens of his people, and reducing a considerable number of his forces both by sea and land; and to assure his Majesty that they would, with great cheerfulness, raise the necessary supplies: And, to testify the gratitude with which their hearts were filled, from a just sense of the blessings they then enjoyed, and from the prospect of future happiness, that they would support his Majesty in such measures, as should be found reasonable and necessary to render that great and desirable work perfect and lasting.'

This motion was seconded by *Charles Hanbury Williams*, Esq; who likewise made a short speech in  
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praise of his Majesty's conduct, and the pleasing prospect they then had of the future happiness of this nation. The Lord *Tyrconnel* likewise spoke in favour of the motion, and made many encomiums upon the peace that had been obtained, as being a more safe, a more honourable, and a more glorious peace, than it was possible to expect.

Speeches for  
reducing re-  
giments,

There was, in this house, no objection made to the motion, nor any amendment proposed; only *William Shippen*, Esq; and *Walter Plummer*, Esq; took notice of that part of it relating to the reduction of his Majesty's forces, and said, 'They hoped  
' some whole regiments would be reduced, and not  
' a number of private men only, as had been formerly practised upon the like occasions; for that  
' the reducing of a whole regiment would always be  
' a much greater saving to the nation, than the reducing of an equal number of private men; and in  
' our present melancholy circumstances, every method ought to be practised, by which the public  
' money might be saved, in order to apply as much  
' as possible, yearly, to the payment of our public debts.

' That the advantage of making the intended reduction, by reducing whole regiments, was apparent to every gentleman who would be pleased to make the calculation; for, by the establishment of last year, a marching regiment, which consisted of 815 men, cost the public about 15,217*l.* yearly; so that if a whole regiment should be reduced, there would be a saving 15,217*l.* a year to the public; whereas, if an equal number of private men only should be reduced from that and other regiments, there would be a saving to the public of the pay of so many private men only, which in a year amounted to but 7427*l.* from whence it was evident, that if a reduction of 8000 men should be made, by the reducing of whole regiments, the public would save 149,369*l.* yearly;  
' whereas



‘ whereas, when a reduction of 8000 men is made  
 ‘ by the reducing of private men only, the public  
 ‘ saves but 73,000*l.* yearly; so that the difference  
 ‘ to the public was a saving of 76,369*l.* yearly,  
 ‘ more in the one case than in the other; which was  
 ‘ a very considerable sum, a saving which ought not  
 ‘ to be neglected, considering the melancholy situa-  
 ‘ tion of our affairs; and though, for the first year  
 ‘ or two, we would be obliged to issue near one half  
 ‘ of this sum yearly, for half-pay to the reduced of-  
 ‘ ficers, yet, in a very few years, they would either  
 ‘ die or be incorporated in the standing corps; so  
 ‘ that we would soon come to save this whole sum  
 ‘ yearly.

‘ That it was not possible for them to find a mi-  
 ‘ litary reason why we ought to keep up, and in  
 ‘ whole pay too, a greater proportion of officers in  
 ‘ time of peace, than we did in time of war; and  
 ‘ as there was no military reason for so doing, peo-  
 ‘ ple would be apt to suppose it was done for a  
 ‘ civil reason; which was a supposition that ought  
 ‘ not to be encouraged, because it was a supposition  
 ‘ injurious to his Majesty, or at least to his mini-  
 ‘ stry; and for that reason they would, in a parti-  
 ‘ cular manner, recommend it to an honourable  
 ‘ gentleman on the floor, to endeavour, as much as  
 ‘ he could, to have the intended reduction made  
 ‘ by the reducing of whole corps, instead of follow-  
 ‘ ing the former practice of reducing private men  
 ‘ only.’

As no amendment was offered to the motion for  
 an address, the resolution was agreed to without any  
 debate or division; and a committee was ordered to  
 draw up an address upon the said resolution. Next  
 day the said committee reported the address they  
 had drawn up, and the same being again read at  
 the table, the resolution was desired to be likewise  
 read, which was done accordingly; whereupon se-

Address re-  
ported.

veral members objected to the address, and said, it was not in the same terms with the resolution, for which reason they thought it ought to be committed; but this objection was given up, and the address reported by the committee was agreed to without any amendment, and was as follows, viz.

*Most gracious Sovereign,*

The Commons address.

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain*, in Parliament assembled, return your Majesty our unfeigned thanks for your most gracious speech from the throne.

We are truly sensible of your Majesty's early endeavours to put an end to the war; and can never enough admire the steady application with which you pursued that great work, by the joint interposition of the good offices of your Majesty, and the States General.

And it is with the warmest gratitude, we acknowledge your Majesty's particular care and circumspection in all your proceedings, not to involve this nation unnecessarily in the war; when, at the same time, your Majesty shewed, you were not insensible of the imminent danger that threatened the liberties of *Europe*, from a longer continuance of it upon so unequal foot. A conduct wherein your Majesty plainly proved, you equally consulted the immediate interests of your people, and that balance of power in *Europe*, upon which the safety and commerce of this nation so much depend. At once saving this nation from all the present calamities of war, and trying to avert the future necessity, of its being at last obliged to take its share and hazard in them.

We cannot but be sensible of your Majesty's wisdom and impartiality, in forming the plan of pacification proposed by your Majesty and the States

‘ States General, to the powers ingaged in the war ;  
‘ which, although, not immediately accepted by the  
‘ contending parties, nor answering the desired ef-  
‘ fect, by preventing the opening of the campaign,  
‘ has been so far adopted, that the most material,  
‘ and essential parts of it have been agreed to, by  
‘ the Princes originally and principally concerned in  
‘ this rupture, and recommended by them to their  
‘ allies, as preliminary articles to a general pacifica-  
‘ tion.

‘ Upon this happy turn the affairs of *Europe* have  
‘ taken, we most heartily congratulate with your  
‘ Majesty ; and when we consider the assurances  
‘ your Majesty has been graciously pleased to give  
‘ us, that these preliminaries do not essentially vary  
‘ from the plan of pacification, concerted by your  
‘ Majesty, and the States General ; and the ready  
‘ approbation your Majesty and the States General  
‘ have given of them ; a just confidence in your  
‘ wisdom, and the experience we have of your con-  
‘ stant and paternal care of the true interest of your  
‘ people, through the whole course of this great and  
‘ intricate work, leave us not the least room to en-  
‘ tertain a doubt, but that the preliminary condi-  
‘ tions of this pacification, so founded, and so appro-  
‘ ved, will give general satisfaction ; in which per-  
‘ suasion we are farther confirmed, by the great pro-  
‘ bability there appears to be, of their being accept-  
‘ ed and agreed to by all the powers engaged in the  
‘ war.

‘ The early regard your Majesty has been graci-  
‘ ously pleased to shew to the welfare of your peo-  
‘ ple, in taking the first opportunity, on this great  
‘ and fortunate event, to lighten the burden of their  
‘ expences, by making a reduction of your forces,  
‘ both by sea and land ; is such a mark of your care  
‘ in consulting their interest, and of your tender  
‘ concern for their ease, that we should be as unjust

‘ to our own gratitude, as to your Majesty’s good-  
 ‘ nefs, if we failed to testify the one and acknow-  
 ‘ ledge the other, in the strongest and most dutiful  
 ‘ manner; and as we look upon this, added to all  
 ‘ the other measures of your glorious and happy  
 ‘ reign, as a proof that the estimates for the present  
 ‘ year will be proportioned to the situation of af-  
 ‘ fairs, and the purposes to which they shall be  
 ‘ found necessary; so we beg leave to assure your  
 ‘ Majesty, that we will chearfully and effectually  
 ‘ raise such supplies, as the posture of our present  
 ‘ happy circumstances shall require, and sufficient to  
 ‘ support the dignity of the crown, and the honour  
 ‘ and interest of your Majesty’s subjects and domi-  
 ‘ nions.

‘ And if such motives could want any additional  
 ‘ circumstance, to excite us to fulfil our duty to your  
 ‘ Majesty and our country, the reflection on the good  
 ‘ effects the extraordinary supplies, granted the last  
 ‘ year to your Majesty, must have had, in contri-  
 ‘ buting to bring this long-laboured work to so  
 ‘ happy an issue, joined to the consciousness of the  
 ‘ influence your Majesty’s counsels must ever have in  
 ‘ the affairs of *Europe*, while a loyal Parliament  
 ‘ shews itself determined to support the resolutions  
 ‘ of a wise and cautious Prince, cannot fail to operate  
 ‘ with their due weight, in making us persevere in  
 ‘ our endeavours, to give a lustre to your Majesty’s  
 ‘ reign abroad, equal, if possible, to the happiness  
 ‘ we enjoy from it at home.’

This address was presented by the house in a bo-  
 dy, on *Saturday* the 17th of *January*, to which his  
 Majesty was pleased to give the following answer,  
*viz.*

Gentlemen,

Gentlemen,

*I Return you my thanks for this dutiful and loyal address. I am very well pleased, that my endeavours to restore the public tranquillity have met with your approbation. And you may be assured, my future care shall be employed, to the utmost of my power, to render the peace of Europe perfect and lasting, and to make you a flourishing and happy people.*

The King's  
answer.

**A**Mong the several petitions complaining of undue elections and returns, which were presented on the 16th of *January*, was that of Sir *Rowland Wynn*, Bart. complaining of an undue election and return for the county of *York*, which was ordered to be heard at the bar of the house on *Tuesday* the 24th day of *February* then next; and it was ordered, that the list of voters to be objected to by either party, should be delivered to the other by that day three weeks.

*Yorkshire* petition presented.

**O**N *Monday* the 19th, a petition of the gentlemen, clergy, and other freeholders of the county of *Norfolk*, whose names were thereunto subscribed, in behalf of themselves, and a great number more of the freeholders of the said county, complaining of an undue election and return for the said county, was presented to the house and read; and a motion being made for hearing the matter of the said petition at the bar of the house, on *Thursday* the 26th day of *February* then next, Sir *John Hynd Cotton* stood up and spoke to this effect, viz.

*Norfolk* petition presented.

‘ Sir, I am surprised to hear such a motion made, considering the house, but on *Friday* last, appointed the *Yorkshire* petition to be heard at the bar of this house, on *Tuesday* the 24th day of next month, which is but two days before the day now moved

Sir *John Hynd Cotton*'s speech against hearing it so soon.



‘ for hearing the *Norfolk* petition. This looks at if  
 ‘ the hon. gentleman imagined, that we could go  
 ‘ through the *Yorkshire* petition in two days, where-  
 ‘ as, in my opinion, if we examine into it as we  
 ‘ ought, and as I hope we will, it will take us up  
 ‘ two years, or at least the usual time of two sessi-  
 ‘ ons. I confess, Sir, I have not the honour to be  
 ‘ let into the secrets of any of the *Yorkshire* petition-  
 ‘ ers; but, I believe, the hon. gentleman who made  
 ‘ the motion, is thoroughly acquainted with their  
 ‘ real and most hidden designs; and therefore, from  
 ‘ his making such a motion as he has been just now  
 ‘ pleased to make you, I must conclude, that the  
 ‘ *Yorkshire* petitioners are resolved to drop their pe-  
 ‘ tition, in case they should find themselves unable  
 ‘ to carry some very remarkable question, the first  
 ‘ or second day. If this be really the case, the hon.  
 ‘ gentleman was much in the right to make you  
 ‘ such a motion as he was done, with regard to the  
 ‘ *Norfolk* election; but while we are members of  
 ‘ this house, I think we ought, upon no occasion,  
 ‘ to be directed in our way of voting, by the private  
 ‘ opinion or secret knowledge of any other man;  
 ‘ and therefore, if the hon. gentleman knows of any  
 ‘ such secret, with regard to the *Yorkshire* petition,  
 ‘ I hope he will stand up again, and acquaint the  
 ‘ house with it, that we may have the same reason  
 ‘ for agreeing to his motion, which he had for mak-  
 ‘ ing it.’

After him *William Pulteney*, Esq; spoke in sub-  
 stance as follows, viz.

Mr. Pulteney's speech.

‘ I am very sorry, Sir, to find so many petitions  
 ‘ complaining of undue elections, and returns for  
 ‘ counties; for the expence of controverting such e-  
 ‘ lections is so great, that it is impossible any gentle-  
 ‘ man can bear to pay the whole out of his private  
 ‘ fortune. As the case stands at present, whenever  
 ‘ the

‘ the election for a county comes to be controvert-  
‘ ed, the expence must necessarily be raised by a  
‘ general contribution, among all the freeholders of  
‘ the county; and it will not signify much to ease  
‘ the landed gentlemen of a shilling in the pound  
‘ land-tax, if by the controverting of elections they  
‘ shall be obliged, once in every Parliament, to tax  
‘ themselves perhaps in ten times that sum, for sup-  
‘ porting the rights of their county.

‘ Injustice may, ’tis true, be sometimes done by  
‘ the returning officers for counties, as well as by  
‘ the returning officers for boroughs; but as there  
‘ are such a great numbers of voters for every county;  
‘ as almost every freeholder’s right of voting must  
‘ be examined into, before the injustice of the re-  
‘ turning officer can be detected; and as the nam-  
‘ ing of that returning officer, depends intirely upon  
‘ the ministers of the crown, the election for all the  
‘ counties in *England* is certainly very precarious:  
‘ And when any injustice is done, the discovering  
‘ of it is so troublesome and expensive, that no pri-  
‘ vate man can well undertake it: In such circum-  
‘ stances it will always be easy for the ministers of  
‘ the crown, to appoint who shall be the Knights of  
‘ any shire, whenever they have a mind; for if the  
‘ returning officer makes an undue return, accord-  
‘ ing to their orders, it is almost impossible to dis-  
‘ cover the injustice done by him, so as to subject  
‘ him to the punishment inflicted by law; and if the  
‘ returning officer should happen to disobey their  
‘ orders, it is but making their candidates petition,  
‘ by which the gentlemen rightfully chosen and du-  
‘ ly returned, will be put to such an expence in de-  
‘ fending their right, that no man will thereafter  
‘ chuse to stand for any county, in opposition to the  
‘ court interest. This injustice in the returning offi-  
‘ cers, as well as this expence to the gentlemen cho-  
‘ sen or petitioning, might, in my opinion, be ea-  
‘ sily prevented, by a few small amendments to the  
‘ laws

' laws now in being for regulating elections ; for if  
 ' the oath to be taken by freeholders, on occasion  
 ' of their coming to vote at any election, were made  
 ' a little more full and explicit, no man would dare  
 ' to take it falsely ; because it would be easy to con-  
 ' vict him of perjury ; and those against whom he  
 ' voted, would always be ready to be at the trouble  
 ' and expence of the prosecution ; in which case, the  
 ' taking of the oath might be made final and con-  
 ' clusive, as to the person's right of voting ; so that  
 ' the right of any freeholder to his vote at an elec-  
 ' tion, would never come to be controverted at the  
 ' bar of this house ; and then it would be easy to de-  
 ' tect the returning officers, in case they committed  
 ' any fraud or injustice, and the controverting of a  
 ' county election would not be near so tedious, trou-  
 ' blesome or expensive, as it is at present.

' As the case now stands, Sir, the expence of  
 ' controverting any county election is most grievous  
 ' and most terrible ; and as the county of *Norfolk* is  
 ' one of the largest and most populous counties in  
 ' *England*, the expence of controverting the election  
 ' for that county, must be much greater than most  
 ' others ; but if you appoint the petition from that  
 ' county to be heard in so few days after the day on  
 ' which you have appointed the *Yorkshire* petition to  
 ' be heard, you will greatly enhance even that grea-  
 ' ter expence ; because both the sitting member, and  
 ' the petitioners for *Norfolk*, must have their law-  
 ' yers, agents, witnesses, and all the other imple-  
 ' ments of a controverted election, attending in  
 ' town, and living at their expence during the whole  
 ' time of the controversy about the *Yorkshire* petition.  
 ' This, I say, Sir, must be the case, at least of the  
 ' sitting member, because, I am pretty well con-  
 ' vinced, he is not in any concert, nor knows any  
 ' of the secrets of the petitioners for *Yorkshire* ; and  
 ' the laying him under such an extraordinary ex-  
 ' pence, or indeed under any expence, is the more

' un-

‘ unnecessary, because the only gentleman, whose  
‘ right seems to be controverted, is now dead ; by  
‘ which means the petitioners and their friends  
‘ might, if they pleased, have an opportunity of  
‘ trying their interest in the county, by a new  
‘ election, without putting themselves to the trou-  
‘ ble or charge of controverting the former ; but  
‘ it seems the petitioners know, that the expence of  
‘ controverting the former election, great as it must  
‘ be, will be less to them than the expence of a  
‘ new election ; which, by the by, Sir, seems to  
‘ me to be a demonstration, that their natural in-  
‘ terest in the county is not much to be depended  
‘ on.

‘ But to this, Sir, I must add, that I have been  
‘ informed, and really believe, that the petitioners  
‘ could not make near so good a shew upon a new  
‘ election, as they did upon the former ; for every  
‘ one knows, that on such occasions, many promises  
‘ are made by those, who do not depend upon their  
‘ natural interest, but upon the unnatural and acquired  
‘ interest they may have, by means of the many  
‘ posts and preferments they have at their disposal ;  
‘ and I have heard, that many promises were made  
‘ upon the last election for the county of *Norfolk*,  
‘ which have not been performed ; from whence it  
‘ is to be presumed, that the persons to whom those  
‘ promises were made, and who were thereby indu-  
‘ ced to vote contrary to their inclinations, will upon  
‘ a new election vote according to conscience. This,  
‘ Sir, I am afraid is the true reason, for renewing  
‘ the petitions from that county, notwithstanding its  
‘ being certain, that the hearing of these petitions,  
‘ will cost them more than a new election can natu-  
‘ rally cost them ; notwithstanding its being certain  
‘ that a new election, would bring their candidates  
‘ sooner to their having seats in this house, than they  
‘ can be by the hearing of the petition ; and I must  
‘ say, that the motion now made to us, seems cal-  
‘ culated



‘culated for nothing, but that of laying the sitting member and his friends under a necessity of yielding to the petitioners, rather than be at the expence of trying the merits of the last election at the bar of this house.’

To this it was answered in substance, thus,

Answer.

‘That it was impossible to foretel how long the hearing of the *Yorkshire* petition would last; but they could not imagine it would last near so long, as the honourable gentleman seemed to intimate it would; for as the controverted votes on both sides would be very much reduced, and fully ascertained by the lists that were to be mutually delivered, they could not think that dispute would take up many days.

‘That they would readily join in any measures for preventing the frauds or the injustice of returning officers, as well as for making the controverting of county elections short and easy; but the controverted elections then depending, could not be regulated by any such measures; and as many of the freeholders of the county of *Norfolk* had complained of injustice done them at the last election, it was a duty incumbent on them, as members of that house, to hear those complaints, and to give the complainants such redress, as they should find them intitled to: This they were obliged to do with all possible dispatch; and if the hearing of the *Yorkshire* petition should last but two or three days, which might probably be the case, it would be doing injustice to the people of *Norfolk*, to put off the hearing of their complaints for two or three weeks.

‘That they knew no more of the secrets of the petitioners for *Yorkshire*, than any other gentleman of that house, so that their moving for having the *Norfolk* petition heard so soon after the day appointed



‘ pointed for hearing the *Yorkshire* petition, could  
 ‘ proceed from nothing, but their great desire to do  
 ‘ justice to the *Norfolk* petitioners, and the sitting  
 ‘ member, with all possible dispatch; and if the pe-  
 ‘ titioners, their lawyers, agents, and witnesses should  
 ‘ be obliged to attend for a few days before their  
 ‘ affair could be brought on, it was an inconvenience  
 ‘ which could not be avoided; it was an inconvenience  
 ‘ which people had always been, and must always  
 ‘ be subject to, in all courts, and in all sorts of causes;  
 ‘ for unless people were subject to such an incon-  
 ‘ venience, every court of judicature in the king-  
 ‘ dom, would often be put to a full stop, which  
 ‘ would make it impossible to administer justice to  
 ‘ all those, who might be obliged to sue to such  
 ‘ courts for justice; but whatever inconvenience  
 ‘ there was, in this respect, it lay heavier in the pre-  
 ‘ sent case upon the petitioners, than it could do  
 ‘ upon the sitting member; because the petitioners  
 ‘ would be obliged to attend in town, from the day  
 ‘ appointed for hearing their petition, which they  
 ‘ were not otherwise obliged to do; whereas the  
 ‘ sitting member was otherwise obliged to be in  
 ‘ town, in order to attend the service of the house.

‘ That they knew of no promises that had been  
 ‘ made upon the former election, nor any disappoint-  
 ‘ ments people had since met with; but believed  
 ‘ that such reports were, like a great many others,  
 ‘ without any manner of foundation: That a new  
 ‘ election might perhaps be less expensive, than to  
 ‘ try the merits of the last election; and likewise  
 ‘ gentlemen might perhaps come sooner to their seats  
 ‘ in that house, by a new election, than by having  
 ‘ their right upon the former election determined;  
 ‘ but if any gentleman had a right to a seat in that  
 ‘ house upon the former election, it was not reason-  
 ‘ able to expect, that he should give up that right,  
 ‘ which he must do, by submitting to a new election;  
 ‘ and besides, if injustice was done to him, as well

‘ as

‘ as the county upon the former election, it was a  
 ‘ duty he owed both to himself and his country, to  
 ‘ prosecute the authors of that injustice, in such  
 ‘ manner as the laws of his country direct; and as  
 ‘ that could not be done, but by bringing the mer-  
 ‘ its of the former election, to be tried at the bar  
 ‘ of that house, they thought the petitioners were  
 ‘ not only very much in the right, but in duty bound  
 ‘ to insist upon it: That this was certainly the duty  
 ‘ of the petitioners; and it was their duty, as mem-  
 ‘ bers of that house, to hear and determine the affair  
 ‘ as soon as possible; for which reason, it was their  
 ‘ duty, as members of that house, to agree to the  
 ‘ motion that had been made.’

**Question.**

The question being then put, the motion was agreed  
 ‘ to, without a division, and the lists of controverted  
 ‘ voters were ordered to be mutually delivered by  
 ‘ that day month.

**Petition for  
Coventry  
presented.**

The same day, *Walter Plummer*, Esq; presented  
 to the house, the petition of *John Neal*, Esq; com-  
 plaining of an undue election, and return for the city  
 of *Coventry*; and after the same was read, Mr.  
*Plummer* stood up again, and said, ‘ That tho’ by  
 ‘ the forms of proceeding in that house, it was ne-  
 ‘ cessary for the petitioner to present a petition that  
 ‘ session, in the very same words with the petition,  
 ‘ presented by him upon the same subject the pre-  
 ‘ ceding session; yet he had now given him orders  
 ‘ to acquaint the house, That in order to save trou-  
 ‘ ble to the house, and not to take up their time any  
 ‘ longer than was absolutely necessary, he was will-  
 ‘ ing to pass from every complaint in his petition  
 ‘ mentioned, except in so far as related to the quali-  
 ‘ fication of *John Bird*, Esq; one of the sitting  
 ‘ members for the said city; which was the only  
 ‘ complaint he intended to insist on, at the hearing  
 ‘ of

‘ of the petition; and as the determining of that  
 ‘ point could not take up above half an hour of their  
 ‘ time, he would therefore move, that the petition  
 ‘ might be heard at the bar of the house:’ But up-  
 on the question’s being put, it passed in the negative,  
 and the petition was of course referred to the com-  
 mittee of privileges and elections.

On that day se’nnight, viz. *Monday* the 26th  
 of *January*, Mr. *Plummer* stood up, and said,  
 ‘ That altho’ he had before acquainted the house,  
 ‘ that *John Neale*, Esq; petitioner for *Coventry*, was  
 ‘ willing to pass from every complaint mentioned  
 ‘ in his petition, except in so far, as related to the  
 ‘ qualification of *John Bird*, Esq; one of the sitting  
 ‘ members; yet that something to that purpose  
 ‘ might appear upon their votes, and to insure the  
 ‘ sitting member, that no other complaint would be  
 ‘ insisted on against him, he would move, That since  
 ‘ *John Neale*, Esq; who had exhibited a petition to  
 ‘ that house, complaining of an undue election and  
 ‘ return for the city of *Coventry*, desired to with-  
 ‘ draw the complaint in the said petition, except as  
 ‘ to what related to the qualification of *John Bird*,  
 ‘ Esq; one of the sitting members for the said city,  
 ‘ therefore it might be ordered, That the said peti-  
 ‘ tion should be dismissed except as aforesaid.’ which  
 was accordingly agreed to. Then Mr. *Plummer* said,  
 ‘ That as the examining the matter of that petition,  
 ‘ as it then stood, could not require any long prepa-  
 ‘ ration, or the bringing up of many witnesses; and  
 ‘ as it could not take up so much as one evening to  
 ‘ determine that complaint in the committee, there-  
 ‘ fore he would move for an instruction to the com-  
 ‘ mittee, to hear it on that day three weeks:’ To  
 this it was objected, as it had been to the former mo-  
 tion in this affair, ‘ That it was contrary to the  
 ‘ common course, and that there was nothing in that  
 ‘ affair so extraordinary, as to induce them to hear  
 ‘ it

‘ it out of its due course:’ For this reason, upon the question’s being put, it passed likewise in the negative.

Petition for  
Hampshire  
presented.

ON the 21st of *January*, the petition of *Anthony Chute*, of the *Vine* in the county of *Southampton*, Esq; complaining of an undue election and return for the said county, was presented to the house and read; and it was ordered, that the matter of the said petition, should be heard at the bar of the house, on *Tuesday* the 9th day of *March* then next; after which it was moved, to order, That the lists, with respect to the controverted election for the county of *Southampton*, then depending before the house, should be delivered by that day five weeks; whereupon, *Edward Lisle*, Esq; one of the sitting members for that county, stood up, and spoke to this effect, *viz.*

Mr. *Lisle*’s  
speech on  
that occasi-  
on.

‘ That he would willingly submit to any order the  
‘ house should be pleased to make upon that occa-  
‘ sion, and would be ready to deliver his lists by any  
‘ day the house should be pleased to prefix; but as  
‘ the design of delivering such lists, was to shorten  
‘ the dispute, and to prevent taking up their time  
‘ with inquiries into objections against voters, which  
‘ were either false or frivolous, the longer the time  
‘ was which was to be prefixed for delivering such  
‘ lists, both the petitioner and he would be the more  
‘ enabled to abridge their lists; and therefore, in  
‘ order to give the house as little trouble as possible,  
‘ which he was very much inclined to, he hoped the  
‘ house would give him and the petitioner, as much  
‘ time as possible, for making up and delivering  
‘ their lists. That with respect to the objections a-  
‘ gainst the voters of either side, they were obliged  
‘ to depend upon the information of others; and in  
‘ order to prevent their being excluded from object-  
‘ ing against any person, who was really a bad voter  
‘ on the other side of the question, they were obli-

‘ ged



ged to put every man's name in their lists, against whom they could hear of any sort of objection; but that if he had time, he would by himself and his agents, inquire particularly into every objection; and would put no man's name in his list, if upon such inquiry he should find, that the objection was not sufficiently supported by reason and evidence, by which means he might probably very much abridge the list he was to deliver; and he did not doubt of the petitioner's doing the same.

That as there were already three county petitions \* appointed to be heard, before the day appointed for hearing of the petition against him, it could not be presumed, that the hearing of the petition against him would come on upon the very day the house had appointed for hearing it; and therefore, he thought it would be better for the house to suspend making any order for delivering lists of bad voters for the county of *Southampton*, till after the determination of the *Yorkshire* election at least; for as the petition for the county of *Norfolk*, and that for the county of *Flint*, were both to be heard thereafter, and before the petition for *Southampton* could come on, there could be no inconvenience in delaying to make any order for delivering lists with respect to the last; because after the determination of the *Yorkshire* election, the house might order the lists for the county of *Southampton* to be delivered by that day se'nnight; and it was impossible the *Norfolk* and *Flint* elections could both be determined in a week's time. For this reason, he hoped, the honourable gentleman would, for the convenience of the petitioner, as well as for his convenience, and also for the sake of saving the time of that house, wave the motion he had made, and that the house would suspend

\* *Yorkshire, Norfolk, and Flintshire.*



‘ making any order for delivering the lists for the  
 ‘ county of *Southampton*, till after the determination  
 ‘ of the *Yorkshire* election.’

Answer.

Several other gentlemen spoke to the same effect; to all which it was answered, ‘ That the usual method was for the house to appoint a day for delivering lists for all county elections, at the same time that they appointed a day for hearing the petition: That the three other county elections might for some reason or other be put off, or perhaps intirely dropt, for which reason it was necessary, for those concerned in the *Southampton* election, to be fully prepared and ready for the hearing, against the day the house had appointed, which they could not be, unless the lists were delivered against the day then moved for; and that, as the sitting member, as well as the petitioner, had already had near a whole year to inquire into the qualifications of one another’s voters, and the objections that could be made against any of them, it was to be presumed, that the lists were then as much abridged, as they could possibly be.’

Question.

At last, the question was put for delivering the lists by that day five weeks, and carried in the affirmative without a division.

Estimates,  
 &c. called  
 for.

ON *Thursday* the 22d of *January*, the house having, upon the report of the Committee of supply, resolved, *nemine contradicente*, that a supply should be granted to his Majesty, they ordered, among others, the following estimates, state, and accounts to be laid before the house, *viz.*

1. An estimate of the ordinary of the navy for the year 1736, with the half-pay of the officers of the navy and marines.

2. An

2. An estimate of the charge for guards, garri-  
sons, and land forces for the year 1736.

3. An estimate of the charge of ordnance for  
land service for the year 1736.

4. A state of the debt of his Majesty's navy, as  
it stood at *Christmas* then last.

5. An account shewing how the money given for  
the service of the year 1735, had been disposed of,  
distinguished under the several heads.

6. An account of the services incurred and not  
provided for by Parliament.

Of which the first and fourth were laid before the  
house next day; the second, third, and sixth, on  
*Monday* thereafter; and the fifth on *Tuesday* the 3d  
of *March*.

Q<sup>2</sup>

An

*An Abstract of the Ordinary ESTIMATE of the  
Navy for the Year 1736.*

*To the Right Hon. the Lords Commissioners for executing the Office of Lord High Admiral of Great-Britain.*

		<i>l.</i>	<i>s.</i>	<i>d.</i>
1. Commissioners of the Navy, with the Secretaries, Officers, Clerks, Instruments and Contingencies relating thereunto.	<i>l. s. d.</i>	28,062	14	1
2. Superannuated Sea-Offic.	5109 12 7	8,667	7	7
3. Pensions and Allowance	3557 15 0			
4. <i>Chatbam,</i>	3507 7 2			
5. <i>Deptford,</i>	3082 11 4			
6. <i>Woolwich,</i>	2521 8 8	17,595	11	8
7. <i>Portsmouth,</i>	4164 14 6			
8. <i>Sheerness,</i>	1813 4 6			
9. <i>Plymouth,</i>	2506 5 6			
10. Muster-masters and other Officers of the Out-Ports	— — —	3,623	5	6
11. Wages to Ships and Vessels in Ordin.	— — —	30,712	6	0
12. Victuals to the Officers and Men serving therein	— — —	13,450	5	0
13. Charge of the Harbour Moorings—	— — —	24,084	0	0
14. Ordinary Repairs of his Majesty's Ships in Harbour, and of the Docks, Wharfs, Buildings, &c.	— — —	60,005	0	0
15. Ordinary Charge of sick and hurt Seamen	— — —	1,068	15	0
16. Half-pay to Sea-Officers	— — —	30,000	0	0

Total of the Ordinary Estimate of the  
Navy for the Year 1736.

Carried over — 217,269 4 10

Brought

Brought over,

<i>l.</i>	<i>s.</i>	<i>d.</i>
217,269	4	10

To which may be added,

For defraying the Expence in maintaining in the Royal Hospital of *Greenwich*, an additional number of disabled Seamen, taken, and to be taken into it, who are worn out, and become decrepid in the service of their Country, there being now 900 poor Seamen maintained in the said Hospital; as also for a sufficient Number of Nurfes, being the Widows of Officers and poor Seamen, and for carrying on the Buildings and other Incidents of the said Hospital, for the Year 1736. 10,000 *l.*

10,000	0	00
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227,269	4	10
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And then the Total of the Ordinary Estimate of the Navy for the Year 1736, amounts to Two hundred twenty-seven thousand two hundred sixty-nine Pounds four Shillings and ten Pence.

*Richard Haddock,  
James Ackworth,  
Thomas Pearse,  
George Purvis,  
J. Fawler.*

*An ESTIMATE of the Charge of the Guards,  
Garrisons, and other his Majesty's Land Forces in  
Great-Britain, for the year 1736.*

		Pay of Troops and Regi- ments for 365 Days.		Total.	
Numbers.					
Horse.		l. s. d.		l. s. d.	
1st Troop of Guards,	181	16,592	00 0		
2d ditto,	181	16,592	00 0		
3d ditto,	181	16,592	00 0		
4th ditto,	181	16,592	00 0		
1st Troop of Gren. Guar.	176	10,772	12 0		
2d ditto,	177	10,900	14 0		
Royal Regiment of Guar.	337	26,949	16 0		
Lord <i>Pembroke's</i> Regim.	319	26,126	06 0		
Lieutenant Gen. <i>Evans's</i> ,	214	17,744	18 0		
Lieutenant Gen. <i>Wade's</i> ,	214	17,744	18 0		
	2161			176,607	4 0
Dragoons.					
Royal Regiment,	369	17,461	05 0		
Brigadier <i>Campell's</i> ,	369	17,461	05 0		
Lieut. Gen. <i>Honywood's</i> ,	369	17,461	05 0		
Lord <i>Cadogan's</i> ,	369	17,461	05 0		
Major General <i>Kerr's</i> ,	369	17,461	05 0		
Sir <i>Robert Rich's</i> ,	369	17,461	05 0		
Major Gen. <i>Churchill's</i> ,	369	17,461	05 0		
Lord <i>Mark Kerr's</i> ,	369	17,461	05 0		
	2952			139,690	0 0
Carried forward	5113			316,297	4 0

Brought



	Numbers.	Pay of Regiments, &c.	Total.
		<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>
Brought forward.	5113		
Foot.			316,297 4 0
1st Reg. of Guards,	2005	51,291 17 0	
2d ditto,	1288	33,299 18 0	
3d ditto,	1288	33,354 18 0	
L. Gen. Tatton's Reg.	705	13,917 03 0	
Major Gen. Barrel's,	705	13,917 03 0	
Brigadier Montague's,	705	13,917 03 0	
Lieut. G. Whetham's,	705	13,917 03 0	
Brigadier Middleton's,	705	13,917 03 0	
Brigadier Harrison's,	705	13,917 03 0	
Brigad. Handasyde's,	705	13,917 03 0	
Lieut. Gen. Sabine's,	705	13,917 03 0	
Invalids.	10,221		229,283 15 0
Brig. Fielding's Reg.	515	9,933 17 0	
25 Indep. Companies.	1300	22,646 05 0	
Independent Companies.	1815		32,580 02 0
6 Independ. Companies in N. Brit. }	555		9,146 17 0
Staff Officers, &c.			
Staff Officers ———		10,907 09 7 $\frac{1}{2}$	
Gar. Fire and Candle,		36,060 14 4 $\frac{1}{2}$	
Conting. upon Acc <sup>t</sup> .		15,000 00 0	
	17,704		61,968 04 0
			649,276 02 0

*An ESTIMATE of the Charge of the Office of Ordnance, for the Year 1736.*

## LAND-SERVICE.

Ordinary of the Office, comprising Repairs of Store-houses, Barracks, Platforms, Carriages, Stores for Garrisons, Rents, Salaries, and other incident Charges  
Establishment at *Mabon, Gibkeltan, Anopolis, Placentia, and North-Britain*  
Half-pay of the Officers, that have served well in the Trains of Artillery in *Flanders, Spain,* and on several Expeditions

<i>l.</i>	<i>s.</i>	<i>d.</i>
38,835	07	06
9,962	03	09
462	12	06

EXTRAORDINARIES.

Towards carrying on the Fortifications, repairing } at  
of Store-houses, and supplying of Stores, }

49,260 3 9

Towards rebuilding and repairing the Fortifications at *Sbeirne's*  
 Towards building and repairing the Fortifications at *Portsmouth*  
 Towards carrying on the new Fortific. and Barracks at *Fort Augustus*  
 One hundred Ton of Salt Petre

Exceedings, for which no Allowance hath been made by Parliament.

Ordnances and Stores sent by his Majesty's Order in Council, dated 3d April, 1735.

John Armstrong, Geo. Gregory,  
L. Smelt, W. Earle.

To Barbadoes,  
Leeward Islands.

3725 6 4 4  
865 7 4 4

Navy Office, 23?  
Jan. 1735. S

*An Estimate of the Debt of his Majesty's Navy, on the Heads hereafter mentioned, as it stood on the 31<sup>st</sup> of December, 1735.*

<i>Heads of the Naval Estimates.</i>	<i>Particulars.</i>	<i>Total.</i>
	<i>l. s. d.</i>	<i>l. s. d.</i>
<i>Wear and Tear, ordinary and extraordinary Repairs.</i>		
Due to pay off and discharge all the Bills register'd on the Courſe of the Navy for Stores, &c. ſupplied for the ſervice thereof.	145,876 00 00	
—To pay off and diſcharge all the bills regiſtered on the ſaid courſe, for Premiums allowed by Act of Parliament on naval ſtores.	11,460 00 00	
— For Freight of Tenders, and for Stores delivered into his Maſteſty's ſeveral Yards, &c. for which no Bills were made out on the aforeſaid 31 <sup>ſt</sup> of Dec. 1735, as alſo to ſeveral bills of Exchange.	25,017 00 00	
	182,353 00 00	

— To



Navy Office, 23?  
Jan. 1735. S

*An Estimate of the Debt of his Majesty's Navy, on the Heads hereafter mentioned, as it stood on the 31<sup>st</sup> of December, 1735.*

<i>Heads of the Naval Estimates.</i>	<i>Particulars.</i>	<i>Total.</i>
	<i>l. s. d.</i>	<i>l. s. d.</i>
<i>Wear and Tear, ordinary and extraordinary Repairs.</i>		
Due to pay off and discharge all the Bills register'd on the Course of the Navy for Stores, &c. supplied for the service thereof.	145,876 00 00	
— To pay off and discharge all the bills registered on the said course, for Premiums allowed by Act of Parliament on naval stores.	11,460 00 00	
— For Freight of Tenders, and for Stores delivered into his Majesty's several Yards, &c. for which no Bills were made out on the aforesaid 31 <sup>st</sup> of Dec. 1735, as also to several bills of Exchange.	25,017 00 00	
	182,353 00 00	

— To



<i>Heads of the Naval Estimates.</i>	<i>Particulars.</i>	<i>Total.</i>
	<i>l. s. d.</i>	<i>l. s. d.</i>
Brought over	182,353 00 0	
— To his Majesty's Yards and Rope-yards, and the ordinary and extraordinary thereof.	169,480 00 0	
— For Half-pay to Sea Officers, according to an Establishment made by his late Majesty in Council on that behalf.	17,926 11 3	369,759 11 3
<i>Seamen's Wages.</i>		
Due to pay the Men, &c. unpaid on the Books of Ships paid off.	37,406 04 2½	
— To Ships in Sea-Pay on the above-said 31st of Dec. 1735.	525,461 00 0	
— To discharge and pay off all the Bills entered in course for Pilotage, Surgeon's Necessaries, Bounties to Widows and Orphans of Men slain at Sea, &c. on the Head of Seamen's Wages.	16,913 00 0	579,780 04 2½
		949,539 15 5½

*VicAnalling*

*Heads of the Naval  
Estimates.**Particulars.**Total.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Brought over				949,539	15	5 $\frac{3}{4}$
<i>Viſtualling debt, as per eſtimate receiv- ed from thoſe com- miſſioners, viz.</i>						
Due for ſhort allow- ance to the compa- nies of his Majeſty's ſhips in pay, and which have been paid off.	25,583	13	0			
— For paying off all the bills entered on their courſe.	79,504	17	6 $\frac{1}{2}$			
— For neceſſary money, extra neceſ- ſary money, bills of exchange, and contingencies.	2,850	14	4 $\frac{1}{2}$			
— To the officers, workmen and la- bourers employed at the ſeveral ports.	10,503	4	8	118,542	9	7
<i>Sick and hurt, the debt of that office as per eſtimate receiv- ed from thoſe com- miſſioners.</i>						
Due for the quarters and cure of ſick and hurt ſeamen, ſent aſhore from his Majeſty's fleet, and contingencies relating to the ſaid ſervice.				17,519	13	5
				1,085,501	18	5 $\frac{3}{4}$

The

*Heads of the Naval  
Estimates.*

*Particulars.*

*Total.*

Brought over

1,085,501 18 5 $\frac{3}{4}$

The total amounts to the sum of one million eighty-five thousand five hundred one pounds, eighteen shillings and five pence three farthings.

1,085,501 18 5 $\frac{3}{4}$

From whence deducting the money in the treasurer's hands, as on the other side.

88,257 9 2 $\frac{3}{4}$

And also the money that has since been received, and what remains to be issued as on the other side.

505,882 19 7

594,140 8 9 $\frac{1}{2}$

The net debt will then be

491,361 9 8

Memorandum,

Memorandum, There was remaining in the late and present Treasurers of the navy's hands, on the 31<sup>st</sup> of Decr 1735. in

Memorandum, There was remaining in the late and present Treasurers of the navy's hands, on the 31<sup>st</sup> of Dec. 1735, in money, as under mentioned, and may be reckoned towards satisfying the afore said debt of the navy.

In what treasurer's hands.	In money.	On the heads of			Total.
		Wear and tear, and ordinary.	Seamens Wages.	Victuals.	
Trustees for Mr. Hampden's estate.	In money.		25,251 13 2 $\frac{1}{2}$	629 9 6	25,881 2 8 $\frac{1}{2}$
Rt. Hon. Pattee L. Visc. Torrington.	In money.	2,444 8 8	6,179 11 10 $\frac{1}{2}$	16 11 5 $\frac{1}{2}$	
	Ditto, towards the debt of sick and hurt seamen.		73 13 5		8,714 5 5 $\frac{1}{2}$
	In money.	12,483 3 7 $\frac{1}{4}$	31,148 8 5	7938 12 1 $\frac{1}{2}$	
Rt. Hon. Arthur Onslow, Esq;	Ditto, towards the debt of sick and hurt seamen.		2,091 16 11		53,662 1 1
		14,927 12 3 $\frac{1}{4}$	64,745 3 10	8584 13 1 $\frac{1}{2}$	88,257 9 2 $\frac{1}{2}$

N. B. There remained, on the 31<sup>st</sup> of Dec. last, to come in of the supplies of the year  
 Of which there has been received, viz. For half a year's pay to } 505,882 19 7  
 the navy and victualling yards, due at Michaelmas last } 122,426 19 1  
 For making payments on the head of seamens wages 60,000 10 0

So that at this time there remains to be issued the sum of 323,456 0 6

An

*An account, shewing how the monies given for the service of the year 1735, have been disposed of, distinguished under the several heads, until the 3d of February, 1735, and the parts thereof remaining unsatisfied, with the deficiency thereupon.*

## G R A N T S.

## Navy.

For the victuals, wages, wear and tear of the navy, and the victualling thereof for 30,000 men for 13 months.

For the ordinary of the navy, and for half-pay.

Towards the support of *Greenwich* hospital.

## Ordnance.

For ordnance sea services.

For ditto land service.

For extraordinary expences, not provided for by Parliament.

## Forces.

In defraying the charges of 25,744 men for guards, garrisons, &c. *Anno 1735.*

For maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, *Anno 1735.*

Upon account of out-pensioners of *Chelsea* hospital.

For defraying several extraordinary expences and services incurred, and not provided for by Parliament.

Upon account of half pay to reduced officers of his Majesty's land forces and marines, *Anno 1735.*

For pensions to officers widows, who were married before *Christmas*, 1716, for the year 1735.

To compleat 81,568*l.* 5*s.* 11*d.* for services incurred by augmenting his Majesty's forces, and concerting such other measures, as the exigency of his Majesty's affairs have required.

For a subsidy to the King of *Denmark*.

Deficiencies.



		<i>Sums paid.</i>		<i>Remains to be paid.</i>	
<i>l.</i>	<i>s. d.</i>	<i>l.</i>	<i>s. d.</i>	<i>l.</i>	<i>s. d.</i>
1,482,000 0 0					
198,914 9 7					
<hr/>					
	1,680,914 9 7	1,453,303 0 9		227,611 8 10	
	10,000 0 0	10,000 0 0			
78,000 0 0					
79,760 3 9					
24,693 1 6					
<hr/>					
	182,453 5 3	150,000 0 0		32,453 5 3	
794,529 4 7½					
215,710 6 5½					
18,850 9 2					
10,273 1 7½					
49,834 13 4					
3,780 0 0					
10,363 5 11					
56,250 0 0					
<hr/>					
	1,159,621 1 1¼	1,150,297 5 8¼		9,323 15 5	

## Deficiencies.

To make good the deficiency of the malt duty, *Anno* 1733, at *Lady-Day*, 1735.

To make good the deficiency of the land-tax, *Anno*, 1733, at *Michaelmas*, 1735.

To make good the deficiency of the general fund at *Michaelmas*, 1734.

*To make good the deficiency of the grants, Anno 1734, viz.*

To the navy	—	—	26,247	12	10½
To the ordnance	—	—	10,158	2	5½
			<hr/>		<hr/>

Towards the maintenance of the *British* forts and settlements, belonging to the royal *African* company on the coast of *Africa*.

Towards settling and securing the colony of *Georgia* in *America*.

Towards the repairs of the collegiate church of *St. Peter's Westminster*.

For the repair of the tower and roof of the parish church of *St. Margaret Westminster*.

*The ways and means towards supplying the said services.*

750,000	0	0	By the malt duty, <i>Anno</i> 1735.
1,000,000	0	0	By the sinking fund.
500,000	0	0	By the salt duty.
1,000,000	0	0	By the land tax, <i>Anno</i> 1735.
9,165	13	0	By arrears of the malt duty, <i>Anno</i> 1733.
<hr/>			
3,259,165	13	0	
21,096	9	8	Deficiencies of ways and means, 1735.
<hr/>			
3,280,262	2	8	

				Sums paid.		Remains to be paid.		
<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
107,509	18	0						
22,300	0	0						
37,557	13	4						
<hr/>								
36,405	15	4 $\frac{1}{4}$	203,773	6	8 $\frac{1}{4}$	203,773	6	8 $\frac{1}{4}$
<hr/>								
			10,000	0	0	10,000	0	0
<hr/>								
			26,000	0	0	26,000	0	0
<hr/>								
			4,000	0	0	4,000	0	0
<hr/>								
			3,500	0	0	3,500	0	0
<hr/>								
			3,280,262	2	8	3,010,873	13	2
						269,388	9	6

*Residue of ways and means, Anno 1735.*

Undisposed of on the salt duty — 248,291 19 10

Deficiencies of ways and means, *Anno 1735* — 21,096 9 8

*Services incurred Anno 1735, not provided for by Parliament.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
The Remainder of the Supplies voted by Parliament to 24th of December, 1735, for victualling the Garrison of Gibraltar, more than was sufficient to satisfy the demands of the late contractor, and applicable to the new contract for this service made with <i>Thomas Revel</i> , Esq; dated 8th September, 1733, was	7,636	12	4 $\frac{1}{4}$			
Voted in Parliament for this service, <i>Anno</i> 1734						
Deficiency <i>Anno</i> 1734, made good	25,000	0	0			
Voted for this service, <i>Anno</i> 1735	7,769	13	3 $\frac{1}{2}$			
	25,000	9	0			
Total of supplies to 24th December, 1735	57,769	13	3 $\frac{1}{2}$	65,406	5	7 $\frac{1}{2}$
Payments made to <i>Thomas Revel</i> , Esq; contractor for this service, from the 4th of February, 1733-4, the commencement of the contract, to the 4th of September, 1735, inclusive	59,250	0	10			
The payments from the 15th of September, 1735, to the 4th of January following, being 4 Months, at 28 days per month, estimated at	10,349	4	2			
Insurance, <i>Anno</i> 1735	508	9	3			
Extraordinary magazines and necessary repairs, estimated at	300	0	0			
	11,157	13	5			

Total

	l.	s.	d.
Total of actual and estimated payments to the 4th of January, 1735-6	70,407	14	3
Deduct the above supplies	65,406	5	7½
Remains to be provided for by Parliament	5001	8	7¼

To make good the difference of pay between the *English* and *Irish* establishments for Lord Rothes's regiment of foot upon the establishment of *Ireland*, but now serving at *Gibraltar*, for 365 days, from the 25th of *December*, 1734, to the 24th of *December*, 1735 } 876 0 0

To make good the like sum paid Mr. Gilman, contractor for furnishing and supplying the forces in the island of *Minorca* with salt-beef, over and above the six-pence *per* man *per* week, stopt from the pay of the regiments there pursuant to contracts and warrant between the 17th of *February* 1734, and the 16th of *February*, 1735 } 866 13 4

To make good the like sum paid Mr. *William Caulfield*, for surveying and keeping in repair the new roads through the *Highlands*, Anno 1734 } 400 0 0

*Number of Seamen called for.* On *Friday* the 23d of *January*, it was ordered, that the proper officer should lay before that house, an account of the number of seamen employed in the service of the royal navy, from the 31st of *December*, 1734, to the 31st of *December*, 1735, upon a medium of each month, distinguishing what number were borne, and what multered in the said service.

Accordingly, the said account was laid before the house on the *Thursday* thereafter, and was as follows, *viz.*



Navy-office, 27th Jan. 1735.  
*An account of the number of seamen employed in the service of the royal navy, from the 31st December, 1734, to 31st December, 1735, upon a medium of each month, distinguishing what number were borne, and what muster'd in the said service, prepared pursuant to an order of the honourable house of Commons, dated 23d instant.*

			Number of Men.	
	Months.		Borne.	Muster'd
January	— — —	1734	27,497	22,277
February	— — —		27,414	22,987
March	— — —	— 1735	27,594	23,581
April	— — —		27,748	24,541
May	— — —		27,144	24,846
June	— — —		28,967	26,840
July	— — —		29,629	27,491
August	— — —		30,161	27,362
September	— — —		30,194	28,017
October	— — —		30,089	28,294
November	— — —		29,814	26,426
December	— — —		29,582	23,852
			345,833	306,514
Upon a medium	— — —		28,819	25,542

*Richard Haddock,  
 J. Ackworth,  
 Tho. Pearse,  
 G. Purvis,  
 J. Fowler,  
 Rob. Rens.*

*An account of all the public debts, at the receipt of his Majesty's Exchequer, due or standing out at Christmas, 1735, with the annual interest or sums paid for the same.*

<i>Exchequer.</i>	<i>Principal.</i>			<i>Annual Interest, or Sums paid.</i>		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Annuities for long terms, being the remainder of the original sum contributed and unsubscribed to the <i>South-Sea</i> company, after deducting what has fallen in by deaths.	1,836,275	17	10 $\frac{3}{4}$	131,255	10	11
Annuities for lives with benefit of survivorship, being the original sum contributed.	108,100	0	0	7,567	0	0
Annuities payable upon two and three lives, being the sum remaining after deducting what has fallen by deaths.	127,	8	0 $\frac{3}{4}$	14,997	18	5
Annuities at 9 per cent. per annum, being the remainder of the original sum unsubscribed to the <i>South-Sea</i> company.	161,108	6	8	14,499	15	0
Ditto on lottery 1710, being the remainder, &c.	109,290	0	0	9,836	2	0
Annuities on the plate-act, 6 Geo. prim. Reg.	312,000	0	0	12,480	0	0
	2,654,973	12	7 $\frac{1}{2}$	190,636	6	4

R 3

Annuities

	Principal.			Annual Interest, or Sums paid.		
	l.	s.	d.	l.	s.	d.
Brought over	2,654,673	12	7½	190,636	6	4
Annuities on the <i>Newis</i> and <i>St. Christopher's</i> debentures, at 3 per cent. per ann.	37,821	5	1½	1,134	12	9
<i>Exchequer</i> bills on the victualling act, anno 1726, at 3 per cent. per ann.	481,400	0	0	14,442	0	0
Ditto made out for the interest on old bills exchanged.	2,200	0	0			
Annuities at 3l. 10s. per cent. per ann. for the year 1731.	400,000	0	0	14,000	0	0
Duties on salt continued Anno 1734, at 4 l. per cent. per ann.	960,000	0	0	38,400	0	0
Ditto, anno 1735, for 500,000 l. at 4 l. per cent. per ann. but no part of this sum has been borrowed during the time of this account.						
<p><i>Note,</i> The land taxes and duties on malt being annual grants are not charged in this account.</p> <p>Nor the 1,000,000 charged on the deductions of 6d. per pound.</p>						
	4,536,094	17	8½	258,612	19	1

	Principal.	Annual Interest, or Sums paid.
	<i>l.</i> <i>s.</i> <i>d.</i>	<i>l.</i> <i>s.</i> <i>d.</i>
Brought over	4,536,094 17 8½	258,612 19 1
<i>East-India Company.</i>		
By two acts of Parliament 9 <i>Will. Tert.</i> and two other acts 6 and 10 <i>Annæ Reg.</i> but the annuity granted by the said acts, was by an act 3 <i>Geo. Secund. Regis</i> , reduced from 5 <i>l.</i> per cent. to 4 <i>l.</i> per cent. per ann.	3,200,000 0 0	128,000 0 0
<i>Bank of England.</i>		
On their original fund at 6 <i>l.</i> per cent. per ann.	1,600,000 0 0	96,000 0 0
For cancelling <i>Exchequer</i> bills, 3 <i>Geo. prim. Regis</i> at 4 <i>l.</i> per cent. per ann.	1,500,000 0 0	60,000 0 0
Purchased of the <i>South Sea</i> company at ditto.	4,000,000 6 0	160,000 0 0
Annuities charged on the duties on coals since <i>Lady Day</i> 1719, at 4 <i>l.</i> per cent. per ann.	1,750,000 0 0	70,000 0 0
Ditto charged on the surplus of the funds for lottery, 1714, at 4 <i>l.</i> per cent. per ann.	1,250,000 0 0	50,000 0 0
	17,836,094 17 8½	822,612 19 1

	<i>Principal.</i>		<i>Annual Interest, or Sums paid.</i>	
	<i>l.</i>	<i>s. d.</i>	<i>l.</i>	<i>s. d.</i>
Brought over	17,836,094	17 8½	822,612	19 1
<hr/>				
Annuities for the lottery 1731, at 3 <i>l.</i> per cent. per ann. transferable at the Bank.	800,000	0 0	24,000	0 0
<hr/>				
	<i>l.</i>	<i>s. d.</i>		
To them more for charges of management of their original debt.	4000	0 0	<i>per ann.</i>	
For a proportional charge of management of 4,000,000 purchased of the <i>South-Sea</i> company.	1898	3 5½	<i>per ann.</i>	
<hr/>				
	5898	3 5½		
<hr/>				
<i>South-Sea</i> company.				
On their capital stock and annuities, per act 9 <i>Geo. prim. Regis</i> at 4 <i>l.</i> per cent. per ann.	29,302,203	5 6½	1,172,088	2 3
<hr/>				
	47,938,298	3 3¼	2,018,701	1 4
<hr/>				
To them more for charges of management.	16,992	19 10½	<i>per ann.</i>	



ON Monday the 26th of January, the petition of Richard Sheppard, Esq; complaining of an undue election and return for the borough of *Southwark* in the county of *Surry*, was presented to the house by *Charles Eversfield*, Esq; member for *Horsham* in *Suffex*, which was accordingly read; and a motion was made, that the matter of the said petition should be heard at the bar of the house; whereupon *Thomas Winnington*, Esq; stood up and spoke to this effect, viz.

*Southwark*  
petition pre-  
sented.

‘ That altho’ the honourable gentleman who presented the petition, had moved to have it heard at the bar of the house, and altho’ that motion had been seconded, and very much pressed by the honourable gentleman, who was one of the sitting members for *Southwark*, and against whom the petition seemed to be chiefly aimed; yet he hoped gentlemen would have some regard, to the honourable gentleman in the chair, to whom every election heard at the bar, was a very great fatigue. That besides, they ought to consider their own time, and how much of it would be taken up, in hearing the petitions already appointed to be heard at the bar, insomuch, that he was afraid, it would be impossible for them to go through the public business, which must necessarily come before them, and which could not be put off till another session, without doing a very great prejudice to the nation in general. That as there was a vast number of voters in the borough of *Southwark*, there would of course be a very great number of witnesses to be examined; and consequently, a great many points of law would probably arise, which must be argued by counsel, and many of them might perhaps afterwards be argued for a long time in the house; so that upon the whole, he did not believe the house could go through that election in two or three weeks, even though they should adjourn all other business, and sit upon

Mr. Win-  
nington’s  
speech.

‘ upon it *de die in diem*. For this reason he hoped,  
 ‘ that not only out of regard to their speaker, but  
 ‘ out of regard to the public, and to the business of  
 ‘ the nation in general, they would allow that elec-  
 ‘ tion to go to their committee, where it might be  
 ‘ heard, without interrupting the public business,  
 ‘ without fatiguing their speaker, and without doing  
 ‘ any prejudice either to their petitioner, or to the  
 ‘ sitting member.’

Sir John Hynd Cotton then stood up, and spoke in substance thus, *viz.*

Sir John  
Hynd Cotton's  
speech.

‘ Upon the present occasion, Sir, I cannot omit  
 ‘ taking notice of what happened, when the *York-*  
 ‘ *shire* petition was presented. In the county of  
 ‘ *York* there are certainly five or six times as many  
 ‘ voters as there are in the borough of *Southwark*;  
 ‘ and therefore, if the honourable gentleman be of  
 ‘ opinion, that the election of the borough of  
 ‘ *Southwark* will take up two or three weeks of  
 ‘ our time, he must have been of opinion, that the  
 ‘ election for *Yorkshire* would take up at least three  
 ‘ or four months; yet when that petition was pre-  
 ‘ sented, I remember the same honourable gen-  
 ‘ tleman appeared very fond of having it heard at  
 ‘ the bar of this house; and I should be glad to  
 ‘ know, from whence proceeds that tender regard,  
 ‘ which he is pleased to testify in the present case,  
 ‘ for the honourable gentleman in the chair, since  
 ‘ he did not seem to shew the least regard for him  
 ‘ in the former?’

After him, Mr. Alderman *Heatbottle* spoke to this effect, *viz.*

Mr. Alderman  
Heatbottle's  
speech.

‘ Sir, by an agreement between me and the ho-  
 ‘ nourable gentleman who presented the petition, he  
 ‘ promised to move for its being heard at the bar of  
 ‘ the house: He has accordingly done so, and I  
 ‘ have seconded that motion; after which I am not

‘ a little surprised to hear any gentleman attempt to  
‘ have it sent to the committee; for when the sitting  
‘ member, as well as the petitioner, insists upon  
‘ having the petition heard at bar, I believe there is  
‘ no example of such a petition’s being referred to  
‘ the committee. I have as great a regard for the  
‘ honourable gentleman in the chair, as any mem-  
‘ ber of this house can pretend to; but I know he  
‘ will grudge no trouble or fatigue, in doing service  
‘ to the public, or in doing justice to any member  
‘ who thinks himself injured; and, in the present  
‘ case, I insist with the more freedom upon having  
‘ the petition heard at bar, because I know the con-  
‘ tested votes are but very few; so that the hearing  
‘ can last but a very few days; and I have some  
‘ reason to expect, that the petition will be given  
‘ up, even before those votes which are contested  
‘ are all examined into.

‘ But, Sir, I have another reason for insisting  
‘ upon its being heard at the bar of this house: The  
‘ petition which has been publicly read here, con-  
‘ tains several grievous and heinous allegations a-  
‘ gainst me, therefore I think I have a sort of right  
‘ to have the truth of these allegations examined in-  
‘ to in the same place in which they have been pub-  
‘ lished; and I insist upon it, because, when the  
‘ truth of them comes to be examined into, I think  
‘ I have good reason to believe, that the petition  
‘ will appear to be as vexatious, as any that was ever  
‘ presented to this house. This, I say, I have rea-  
‘ son to believe, and my reason for believing so, is  
‘ founded not only upon a consciousness of my own  
‘ innocence, but upon the candour and sincerity of the  
‘ petitioner’s own scrutineers; for, during the whole  
‘ time of the election, the returning officer for that  
‘ borough acted so equally and fairly, that, after the  
‘ scrutiny was over, even the scrutineers for the peti-  
‘ tioner returned him thanks for his justice and im-  
‘ partiality.

‘ For

‘ For these reasons, I hope, Sir, the house will  
 ‘ not only order this petition to be heard at the  
 ‘ bar, but will appoint a short day for that pur-  
 ‘ pose ; considering the place is just in our neigh-  
 ‘ bourhood, so that no pretence can be made, that  
 ‘ any of the parties or witnesses are at any great dis-  
 ‘ tance.’

Then *Walter Plummer*, Esq; stood up, and spoke  
 in substance as follows, *viz.*

*Mr. Plum-  
mer's speech.*

‘ Sir, as the elections which are appointed to be  
 ‘ heard at bar, are generally sooner determined than  
 ‘ those which are referred to the committee ; and as  
 ‘ it is always very much the interest of the petitioner,  
 ‘ to have the matter of his petition soon heard, if he  
 ‘ has any confidence in it ; therefore I have never  
 ‘ observed the hearing of any petition at bar refused,  
 ‘ when it was desired and insisted on by the sitting  
 ‘ member : But there is something very extraordi-  
 ‘ nary in the present case ; for not only the sitting  
 ‘ member desires and insists upon the petition's be-  
 ‘ ing appointed to be heard at bar, but there seems  
 ‘ to be a design in the petitioner, not to have his pe-  
 ‘ tition heard at all, or at least not this session ; for  
 ‘ otherwise he would certainly have presented it  
 ‘ among the first, as he might and ought to have  
 ‘ done, whereas he has delayed presenting it almost  
 ‘ as long as he could ; which, to me, is really a  
 ‘ strong presumption, that he is sensible of his  
 ‘ petition's being such as the sitting member has  
 ‘ represented it to be ; and if it be so, there can be  
 ‘ no stronger reason assigned, not only for its being  
 ‘ heard at bar, but for its being heard as soon as  
 ‘ possible.’

*Division.*

The question was then put, for hearing the peti-  
 tion at the bar of the house ; which, upon a division  
 was carried in the affirmative, by 145 to 142. After  
 which

which the question was put, for hearing it at bar on the 10th of the ensuing month; which was carried in the affirmative, without a division.

THE same day, the whole house resolved itself into a committee of the whole house, to consider of the supply granted to his Majesty; and Sir *Charles Turner* having taken the chair, Sir *Charles Wager* stood up, and moved the house to resolve, 'That 15,000 men should be employed for the sea service for the year 1736, beginning from the first day of *January*, 1735.'

Supply com-  
mittee.

After some pause, *Walter Plummer*, Esq; stood up, and spoke to this effect, viz.

'I do not rise up, Sir, to oppose the motion now made to you, because, as we have the happiness to live in an island, I have always been of opinion, that we ought chiefly to depend upon our naval force; and for this reason, I shall never be against our keeping up a pretty large number of seamen, even in times of the most profound peace and tranquillity. We have, 'tis true, for some years past, followed a quite contrary maxim; we have always kept up such a great number of land forces, that it has not been in our power to keep up such a number of seamen, in time of peace, as we ought to have done; but what has been the consequence of this maxim? It has forced a great number of our native and gallant seamen into the service of foreign powers; and from thence arose the difficulty we found ourselves in upon a late sudden emergency, with respect to the fitting out speedily a powerful squadron: This difficulty the whole nation was lately sensible of; and to this difficulty we shall always be exposed, unless we disband a great number of our land soldiers, and bestow

Mr. Plummer's speech.



‘ that money upon keeping up a large body of seamen.

‘ But, Sir, I rise up to put you in mind, that  
‘ you ought to proportion all your expences, for the  
‘ current service of the year, not only to the happy  
‘ situation of your affairs abroad, but to the unhappy  
‘ situation of your affairs at home. Whoever considers this, will never give his consent to the loading the present generation, or their posterity, with new taxes, and much less to the laying of violent hands on the sinking fund, when both may be prevented, by our insisting upon the payment of those sums to which we are justly intitled from foreign powers; and therefore, Sir, when we go into the committee of ways and means, in order to provide for the 15,000 seamen now to be voted, I hope you will take under your consideration, what I shall now presume to mention to you.

‘ As the keeping up of a great number of land forces in this island is quite unnecessary, and even inconsistent with the nature of our happy constitution, and the freedom of our government; therefore when any war is like to break out, in which we may probably have a concern, we are always obliged to take foreign troops into our pay: Whether we have always been in the right when we did so, is what I shall not now controvert; but I have always observed, that no foreign Prince would lend us any of his troops, without our engaging not only to pay them, but to grant him a subsidy perhaps greater than the pay of those troops, upon their own footing, would have amounted to; and that even in cases where the Prince stood obliged, perhaps by former treaties, to assist us with troops at his own expence; and often, in cases where his own preservation was more immediately concerned in the event of the war than ours.

‘ ’Tis

'Tis true, Sir, we are always obliged, upon such occasions, to have recourse to the Princes of the North, who, by reason of their poverty, plead an inability to send us, or to have ready to be sent, the stipulated succours, unless we, by a new contract, agree to pay them a subsidy; which has some shew of reason, or at least of necessity, when they raise any new troops for our service; but I never could comprehend either the reason or the necessity for such a pretence, when they make no real addition to the land army they before kept up, nor put themselves to one farthing of an additional expence, on account of their subsidy from us; which I know has sometimes been the case for years together; during all which time we have been so generous to pay their subsidy regularly, for enabling them to defray an expence they never were at: At least, in the public accounts delivered to this house, those subsidies have been yearly stated as fully and regularly paid, in pursuance of the treaties we had before approved of; though indeed, an accident happened not long ago, which gave room to think, that all those subsidies had not been fully and regularly paid to the Princes so intitled to them.

Now, Sir, if we narrowly consider our circumstances, I believe we will find, that we are as poor, and in as great difficulties, as the poorest Prince in the North; and as we have lately sent a very powerful squadron to the assistance of a very rich Prince, I make no doubt but that our wise and frugal ministers let that Prince know, before they sent out the squadron, that, with respect to him, we are a northern power, and as needy as any power he could apply to; and that therefore they have obliged him to pay us a very large subsidy, for the powerful squadron we sent to his assistance.

I

' I am very sure our ministers had much more  
 ' reason to insist upon such a subsidy, than the mi-  
 ' nisters of any northern power ever had to insist  
 ' upon a subsidy from us; for, with respect to the  
 ' breach between *Portugal* and *Spain*, it was, in my  
 ' opinion, at least as great a question, which of them  
 ' were acting upon the offensive, as it was with re-  
 ' spect to the late breach between *Spain* and the Em-  
 ' peror; therefore we were not, by any former  
 ' treaty, obliged to send him any assistance: Then  
 ' as to the expence, it is certain we have put our-  
 ' selves to a very considerable additional expence,  
 ' on account of the assistance we have sent to him;  
 ' and as to the benefit he has reaped from that assist-  
 ' ance, it appears plain to me, that the tranquillity  
 ' he has enjoyed, and does still enjoy, has been, and  
 ' is still owing to nothing but the powerful squadron  
 ' we have sent to his assistance; which, I am posi-  
 ' tive, is much more than can be said of any assist-  
 ' ance we have ever got, from any of those to whom  
 ' we have paid such large and such generous sub-  
 ' sidies: To this I must add, that it cannot be said  
 ' that the preservation of this nation was immedi-  
 ' ately concerned in the event of the war between *Por-  
 ' tugal* and *Spain*; which has generally been the case,  
 ' with respect to those northern Princes to whom we  
 ' have hitherto distributed our subsidies.

' From these reasons I am induced, Sir, to think,  
 ' that our ministers have certainly stipulated a large  
 ' subsidy from *Portugal*; and I have taken notice  
 ' of it upon this occasion, only to put gentlemen in  
 ' mind to call for an account of this subsidy, at a  
 ' proper opportunity; and to appropriate it to the  
 ' maintaining the 15,000 seamen now to be voted;  
 ' in order to prevent our being obliged to load the  
 ' present or the future generation with additional  
 ' taxes, or to lay violent hands upon that fund,  
 ' which ought always to be held sacred to the pay-  
 ' ment of our public debts; by which only we can

§ free

‘ free our poor labourers and manufacturers, from  
 ‘ those taxes which, at present, render the necessa-  
 ‘ ries of life so much dearer in this country than they  
 ‘ are in any other.’

As neither this gentleman, nor any other, opposed the motion, there was no answer made to this speech; and therefore the motion was agreed to without any debate or division: After which the following resolution was moved and agreed to of course, *viz.*

‘ *Resolved,*

‘ That a sum, not exceeding four pounds *per* man  
 ‘ *per* month, be allowed for maintaining the said  
 ‘ 15,000 men, for thirteen months, including the  
 ‘ ordnance for sea service.’

ON *Wednesday* the 28th of *January*, a motion Motion for a select committee.  
 was made, ‘ That the ordinary estimate of the  
 ‘ navy for the year 1736, presented to the house  
 ‘ that session of Parliament, should be referred to  
 ‘ the consideration of a select committee; and that  
 ‘ they should examine the matters thereof, and  
 ‘ report the same, with their opinion thereupon, to  
 ‘ the house.’

Upon this there ensued a debate, in which the arguments for the motion were in substance as follows, *viz.*

‘ Sir, among the many ancient customs and me- Argument for it.  
 ‘ thods of proceeding in Parliament, which have  
 ‘ been dropt by the complaisance of latter times, I  
 ‘ do not think there is one more worthy or necessary  
 ‘ to be reassumed, than that of appointing com-  
 ‘ mittees to inspect and examine the accounts and e-  
 ‘ stimates thar are laid before us, for supporting and  
 ‘ enforcing those demands which are made by the  
 ‘ crown.

' crown. It appears from the ancient journals of  
 ' this house, that in former times, when a demand  
 ' of money was made upon the people, for answer-  
 ' ing the expence of any measure that was found ne-  
 ' cessary to be taken for the honour and interest of  
 ' the nation, an estimate of the expence was laid be-  
 ' fore this house, and the house always appointed a  
 ' committee to examine that estimate, in order to  
 ' see whether every article was justly and fairly sta-  
 ' ted, and necessary for the purpose intended: Our  
 ' Parliaments in those days were not so complaisant  
 ' as to take any such estimate upon the credit of our  
 ' ministers, or upon the credit of those under clerks  
 ' who were employed to draw it up; they thought  
 ' it incumbent upon them to see with their own eyes  
 ' the necessity of every article of the expence pro-  
 ' posed, before they would open the public purse  
 ' with which they were intrusted: How this custom  
 ' came to be laid aside, I do not know; but I am  
 ' sure it ought to be, and I think it is now become  
 ' necessary it should be reassumed; for which rea-  
 ' son I hope gentlemen will make no difficulty in a-  
 ' greeing to the motion I am to make.

' This method of proceeding is, in my opinion,  
 ' proper upon all occasions, but at present, with re-  
 ' spect to the expence of our navy, it is become ab-  
 ' solutely necessary for us to look narrowly into the  
 ' estimates yearly brought before us, relating to that  
 ' article of the public expence; both because the year-  
 ' ly expence of our navy now vastly exceeds what  
 ' it was in former times; and because I observe,  
 ' that there is almost every year some new article  
 ' brought into that estimate which was never before  
 ' heard of: I do not deny, Sir, but that it may be  
 ' now necessary for us to keep up a much larger  
 ' fleet, and to keep a much greater number of sea-  
 ' men in our pay than we formerly used to do; but  
 ' the greater our expence is, the larger our sums are

' that



' that must be laid out in that way, the more room  
 ' there is for defrauding or imposing upon the pub-  
 ' lic; and therefore, instead of being less watchful,  
 ' we ought to be at more than ordinary pains to pre-  
 ' vent its being in the power of any person to load  
 ' the public with any unnecessary article of expence,  
 ' or to charge any article with a greater sum than  
 ' what is absolutely necessary: These estimates, it  
 ' is true, are laid yearly upon our table for perusal;  
 ' but I believe no gentleman, even of those who are  
 ' best acquainted with the affairs of our navy, will  
 ' pretend to say, that he can, from a bare perusal at  
 ' our table, determine, whether the articles of ex-  
 ' pence mentioned in such estimates are all necessary,  
 ' or that no one of them has been overcharged?  
 ' And I do not see how any gentleman can answer  
 ' to his constituents, the loading of them with an ex-  
 ' pence, a great part of which, for what he knows,  
 ' may be altogether unnecessary.

' As we ought to take particular care that the na-  
 ' tion may not be burdened with any unnecessary  
 ' expence, even upon account of the navy, so we  
 ' ought, Sir, to take special care, that as much  
 ' money may be granted yearly, as shall be deemed  
 ' necessary for answering our yearly expence; for by  
 ' short estimates, and grants of money which are af-  
 ' terwards found to be deficient, especially with re-  
 ' spect to the navy, we deceive our constituents; we  
 ' do injustice to the particular men employed in the  
 ' navy, who are generally obliged to sell their  
 ' claims at a discount; we enhance the price of all  
 ' materials necessary for the support of the navy;  
 ' and we discourage our seamen from entering into  
 ' the service of their country: This we have the  
 ' more reason to take notice of at present, because of  
 ' the great debt that has been lately contracted on  
 ' account of our navy; a most extraordinary debt,  
 ' considering the short time in which it has been  
 ' contracted, and considering that the whole was con-

tracted in a time of profound peace and tranquillity ; and the method which we were last year obliged to take for paying off a part of it, ought to make us extremely cautious of being again led into the same error, by any short estimates that may be laid before us ; for we may remember, that during the time we were running ourselves insensibly into that considerable debt, there were estimates yearly laid before Parliament, which, as was pretended, contained an estimate of the whole expence that would be necessary for the service of that year. The nation may, it is true, be accidentally drawn into an additional expence which could not be foreseen ; but that additional expence ought always to be laid before the very next session of Parliament, and ought certainly to be provided for within the very next succeeding year ; for as poor tradesmen and seamen cannot lie long out of their money, they ought not to be reduced to the hard necessity of throwing themselves into the hands of usurers and extortioners, who, upon all occasions squeeze exorbitant advantages from the necessities of the poor.

Another consideration, Sir, which ought to make us look the more narrowly into all public accounts, is, the great load of debt the nation groans under at present : A gentleman of an opulent and free fortune, may perhaps, pass slightly over his steward's accounts ; he may even allow his servants to heap up expences upon him, and to charge him with new and extraordinary articles, without inquiring whether or no there was any necessity for them ; but a gentleman whose estate is deeply mortgaged, a gentleman who cannot even support the yearly expence of his family, without laying hands upon that part of his estate which stands appropriated for paying off old mortgages, ought to enquire strictly into the management of his stewards and servants, and ought never to pass any account

‘ count, or admit of any article of expence, before  
‘ he is thoroughly convinced of the justness of the  
‘ one, and the necessity of the other. This, Sir, is  
‘ our melancholy case at present; we cannot pro-  
‘ vide even for the current service of the year, without  
‘ laying hands upon that revenue which was long  
‘ since appropriated to the payment of old debts;  
‘ and therefore we ought to pass no account, nor ap-  
‘ prove of any estimate, till we have, in the strictest  
‘ manner, examined, and are thoroughly convinced  
‘ of the justice or necessity of every article; and  
‘ this can be done only by referring them to select  
‘ committees.

‘ Whether any unnecessary articles of expence have  
‘ been lately brought upon the nation, is what I shall  
‘ not at present pretend to determine; but that several  
‘ new and extraordinary articles have been of late  
‘ years brought into almost every estimate usually  
‘ laid before us, is what must be known to most  
‘ gentlemen in this house; and no one of them has  
‘ ever yet been inquired into, in that manner which  
‘ is proper and necessary upon such occasions: It is  
‘ likewise well known, that we have had of late  
‘ years several new offices erected, new posts esta-  
‘ blished, and new salaries granted; all of which  
‘ are a charge upon the public revenue; and what-  
‘ ever may be the case as to these new offices, posts,  
‘ or salaries, I believe, upon a proper inquiry, it  
‘ would be found that we have many old offices or  
‘ officers that might be spared, and many salaries and  
‘ perquisites which might be altogether suppressed,  
‘ or very much diminished: If the nation were en-  
‘ gaged in war, or if we were in any danger of be-  
‘ ing engaged in war, it would not, perhaps, be pro-  
‘ per to enter upon such inquiries; but by the great  
‘ promotion that has been lately made of general of-  
‘ ficers, I am convinced the peace of *Europe* is now  
‘ fully re-established; for I am persuaded, his Ma-

' jesty would not have made so many brave gentle-  
 ' men useless, as colonels, by promoting them to be  
 ' generals, if there had been the least ground to  
 ' suspect that we should soon be engaged in a war:  
 ' It is true, few of those gentlemen lately promoted  
 ' will, I believe, be brought upon the establishment  
 ' as generals, and therefore it is to be hoped, that  
 ' promotion will not increase the public expence;  
 ' but it is, as I have said, a convincing argument  
 ' that we are at present in a state of perfect security,  
 ' as well as tranquillity; and therefore it is the most  
 ' proper time for us to begin to inquire into all our  
 ' public accounts, in order to reduce the public ex-  
 ' pence as low as possible: and as our navy ought  
 ' always to be the first and principal concern of the  
 ' Parliaments of *Great-Britain*, I shall beg leave, Sir,  
 ' to move that, &c.' (as before-mentioned.)

To this it was answered in substance thus, *viz.*

Answer.

' Sir, I shall not now take up your time with a  
 ' dispute about the ancient usage or method of pro-  
 ' ceeding in Parliament, but if there ever was any  
 ' such method of proceeding as that mentioned by  
 ' the honourable gentleman who has made you this  
 ' motion, it is certain, that no such method has  
 ' been followed for many years; and as no custom  
 ' or usage once established, is ever laid aside, with-  
 ' out some good reasons for so doing, if there ever  
 ' was any such method established, we are to pre-  
 ' sume that it was found to be inconvenient or un-  
 ' necessary, otherwise it had never been discontinu-  
 ' ed for so many years. This, Sir, of itself, is a  
 ' sufficient reason for our not reassuming that custom,  
 ' unless it could be shewn that the public has suffered  
 ' by its being laid aside; but there is this farther  
 ' reason, that our reviving such an old custom upon  
 ' the present occasion, or coming into any method  
 ' that may seem extraordinary, would give the alarm

to

‘ to the whole nation, and would make people  
‘ suspect that some very great frauds have been late-  
‘ ly committed in the management of the public  
‘ treasure ; and I cannot think it proper, or con-  
‘ sistent with that duty and respect we owe to his  
‘ Majesty, to give the people any such alarm, when  
‘ there is not, I believe, the least foundation for any  
‘ such suspicion.

‘ Perhaps there may have been some new articles  
‘ lately brought into some of our estimates, but I do  
‘ not remember any that are very considerable ; and,  
‘ so far as I remember, there never was one new ar-  
‘ ticle brought in, but what appeared at first view,  
‘ and without any particular inquiry, to be absolute-  
‘ ly necessary for the public service. The honoura-  
‘ ble gentleman seems to think it impossible to deter-  
‘ mine, from a bare perusal of the estimates at our  
‘ table, that the articles of expence mentioned in  
‘ them are all necessary, and that no one article has  
‘ been over-charged ; but I cannot be of his opinion ;  
‘ for I never could observe any mystery either in the  
‘ estimate of the navy, or in any of the other esti-  
‘ mates laid before Parliament : The articles are all  
‘ well known, and the charge upon each is likewise  
‘ known, because it never exceeds what it was in the  
‘ preceding year, without some public and manifest  
‘ reason for the additional charge upon that article ;  
‘ therefore, in my opinion, any gentleman may suf-  
‘ ficiently satisfy himself about every article by a bare  
‘ perusal at the table ; but if, upon such perusal  
‘ any doubt should arise, or if he should want a little  
‘ farther information, there are always in the com-  
‘ mittee of supply a great many gentlemen who  
‘ are able and willing to explain all his doubts, and  
‘ to give him as much information as he can with  
‘ any reason desire ; so that there never can be a ne-  
‘ cessity for our referring any estimate to a select  
‘ committee.



' The estimates yearly laid before Parliament, have  
 ' always contained the whole charge necessary for the  
 ' service of the ensuing year, so far as could be  
 ' foreseen and determined, when those estimates were  
 ' drawn up; but as it is impossible to foresee all the  
 ' accidents that may happen in the course of a year,  
 ' therefore the government may sometimes be neces-  
 ' sarily obliged to increase the public charge, beyond  
 ' what was contained in the estimate laid before the pre-  
 ' ceding session of Parliament: This is an inconvenience  
 ' proceeding from the weakness of human foresight,  
 ' and this inconvenience cannot, I am sure, be re-  
 ' moved by referring any estimate to a select com-  
 ' mittee of Parliament; for it is impossible to sup-  
 ' pose, that any committee can foresee every thing  
 ' that may happen in the course of a year; nay,  
 ' it is not to be presumed, that they can foresee  
 ' things as fully and clearly as those who are imme-  
 ' diately concerned in the administration, under  
 ' whose direction the estimates are generally drawn  
 ' up; and if, by future accidents, it should be found  
 ' necessary to increase the public charge beyond what  
 ' was at first proposed, an account of the additio-  
 ' nal charge certainly ought to be, and I believe, has  
 ' always hitherto been laid before Parliament, as soon  
 ' as any such account could be regularly made up.  
 ' This was the case with respect to the navy debt  
 ' lately contracted, so that its remaining so long un-  
 ' satisfied, could not be owing to the estimates or  
 ' accounts not being referred to a select committee,  
 ' but to the inability the nation was under of provi-  
 ' ding for it out of the grants of any succeeding year.

' I shall grant, Sir, that the load of debts this  
 ' nation labours under at present, is very great, but  
 ' we ought to bear it with the more cheerfulness,  
 ' when we consider, that the whole was contracted  
 ' in defence of our religion, in defence of the liber-  
 ' ties of this nation, and in defence of the liberties of  
 ' *Europe*; and surely no man will grudge contribu-  
 ' ting

‘ting a small part of his yearly revenue towards pay-  
‘ing the principal and interest, when he considers,  
‘that if it had not been for that debt, he would have  
‘had no certain property, nor any certain revenue  
‘now coming in. But this debt, great as it is, was  
‘all contracted in pursuance of estimates yearly deli-  
‘vered into Parliament, no one of which was ever  
‘referred to a select committee; and yet it cannot  
‘be alledged, that the smallest part of this debt was  
‘unnecessarily contracted, or that the public was  
‘in the least defrauded by any of those estimates. I  
‘shall likewise grant, that we ought to look nar-  
‘rowly into all accounts and estimates that are laid  
‘before us, but when those accounts and estimates  
‘are plain and easy, this may be done without send-  
‘ing any of them to a select committee; and let a  
‘private gentleman’s estate be never so much mort-  
‘gaged, I should have no opinion of his ability or  
‘prudence, if he called all his friends to his assist-  
‘ance, and sat half a year poring over an account,  
‘which a school-boy might fully examine and tho-  
‘roughly understand in half an hour.

‘As for new offices, officers, or salaries, I have  
‘not heard of any lately erected, and if any of them  
‘should ever appear in the estimates delivered into  
‘this house, it will then be time enough to inquire  
‘particularly into them; but as for the late promo-  
‘tion of general officers, I hope no gentleman will  
‘find the least fault with it; both because there was  
‘no additional expence thereby brought upon the  
‘nation; and because it was absolutely necessary to  
‘give our officers that rank, which their brave and  
‘long services have intitled them to, in order that  
‘they may be upon an equal footing with their co-  
‘temporaries, in the service of those foreign powers  
‘with whom we are in alliance; otherwise, in case  
‘we should find it necessary, to join our forces with  
‘any foreign power, an officer in the *British* ser-  
‘vice, by not being promoted soon enough to the  
‘rank

‘ rank he deserved, might find himself under a necessity of submitting to be commanded by a foreign officer of not near so long standing in the army ; for every one knows, that in detachments from confederate armies, the officers generally roll, first according to their respective ranks in the army, and next according to the dates of their respective commissions.

‘ To conclude, Sir, if there were any very new and extraordinary articles or charges in the estimate of the navy now under consideration, if gentlemen could shew any mysterious or doubtful articles in it, which could not be immediately explained and set in a clear light, or could start any objections which could not be immediately answered, there might be some reason for agreeing to the motion now made to us ; but as there is no article, nor any charge in it, but what is usual ; as no gentleman has pretended to shew, that there is any thing doubtful or mysterious in either of the articles, or to raise so much as one objection against any of them ; I therefore cannot think there is any occasion for our coming into such an extraordinary method, as that of referring it to a select committee ; and for this reason I must give my negative to the motion.’

The reply was to this effect; *viz.*

Reply.

‘ The honourable gentlemen are much in the right; Sir, not to give themselves or the house the trouble of disputing, whether or no there was ever such a custom as that mentioned by the honourable gentleman who made you the motion, for such a question could not bear a dispute, because it would be immediately determined by referring to the journals of the house ; it must therefore stand admitted, that there was once such an usage or method of proceeding established ; but how it  
‘ came

‘ came to be laid aside, is a question of a very different nature. I shall agree, that a custom once established, is never laid aside without some reason ; but that reason is often very far from being a good reason : In the present case, it is to be presumed, that this custom of referring public accounts and estimates to select committees, was found to be a custom very troublesome and inconvenient for ministers ; and this was, I am convinced, the true and the only reason for its being laid aside ; but this was so far from being a good reason for laying it aside, that it ought to have been a most prevailing reason for continuing it to this day, and will always be a strong reason for re-assuming that ancient and laudable custom.

‘ We are told, Sir, that the reviving this ancient custom will alarm the nation, and make people suspect, that some very great frauds have been lately committed in the management of the public treasure : But I am of opinion, that the nation will be much more alarmed, at least, I am sure they will have much greater reason to be alarmed, if they see their representatives in Parliament every year receiving estimates for most prodigious sums of money, and granting all the sums desired by such estimates, without ever making the least inquiry into any one of them ; for in private life it is most natural to suppose that a man will be cheated and defrauded by his stewards and servants, if he should always pass such accounts as they are pleased to bring in, without ever examining into any one ; and it is not to be supposed, that the servants of the public are honefter, or less inclined to pilfer, than the servants of private men : On the contrary, I am apt to believe, that the servants of the public are, in all countries, pretty much in that way of thinking, which they say is established in *China*, where it is reckoned neither a sin nor a shame for any man to cheat his neighbour, if that neighbour

‘ bour



‘ bour be so weak a man, as to allow himself to be  
‘ cheated.

‘ The duty and respect we owe to his Majesty  
‘ ought never, Sir, to be brought into any debate in  
‘ this house ; but it was never more improperly  
‘ brought in, than it is now by the gentlemen upon  
‘ the other side of the question in this debate ; for as  
‘ this house is the grand inquest of the nation, we  
‘ ought to inquire for the King, as well as for the peo-  
‘ ple : We are in some manner his Majesty’s trust-  
‘ tees, and ought to take care, that neither he, nor  
‘ his people be cheated by the servants or officers he  
‘ employs ; and therefore it is inconsistent with that  
‘ duty and respect we owe to his Majesty, to pass  
‘ any accounts, or agree to any estimates presented to  
‘ us by his officers or servants, till we have strictly  
‘ examined, and are fully satisfied of the justice and  
‘ truth of every article.

‘ The new articles lately introduced into some of  
‘ our estimates, may not, perhaps, of themselves be  
‘ very considerable, but the charge upon those arti-  
‘ cles, and the great additional charge upon all the  
‘ old articles, amount yearly to a very considerable  
‘ sum ; and I confess, I never was so clear-sighted as  
‘ to see at first view, and without any particular in-  
‘ quiry, that all these new charges and additional  
‘ charges, were absolutely necessary for the public  
‘ service : The gentlemen say, that the several arti-  
‘ cles in our estimates, are all well known, and that  
‘ the charge upon each is likewise known, because  
‘ it never exceeds what it was in the preceding year,  
‘ without some public and manifest reason : This,  
‘ Sir, might be some satisfaction, if any strict in-  
‘ quiry had lately been made into any of our esti-  
‘ mates ; but as no inquiry has been made for many  
‘ years, we do not know but frauds may have been  
‘ introduced several years since, and continued from  
‘ year to year to this very day ; therefore it can be

‘ no



‘ no satisfaction to men, or indeed to any man, who  
 ‘ has never examined any of those articles, to find  
 ‘ that they do not exceed the charge upon the same  
 ‘ articles for several years past. But farther, Sir, I  
 ‘ will take upon me to affirm, that most of the arti-  
 ‘ cles in all our estimates, especially that of the na-  
 ‘ vy, are of such a nature, that it is impossible to  
 ‘ say whether they are overcharged or not, without  
 ‘ examining into them every year : This every man  
 ‘ must be convinced of, who will but look into the  
 ‘ several articles of the estimate of the navy now  
 ‘ upon our table : Can any gentleman pretend to de-  
 ‘ termine how much will be necessary for maintain-  
 ‘ ing superannuated sea officers, or for paying pen-  
 ‘ sions and other allowances, without inquiring year-  
 ‘ ly into the number and quality of such officers or  
 ‘ pensions ? Can any gentleman pretend to deter-  
 ‘ mine, how much will be necessary for half-pay to  
 ‘ sea officers, without inquiring every year into the  
 ‘ number and rank of such officers ? \* It is impossi-  
 ‘ ble ; because, by the very nature of the service,  
 ‘ it must vary every year ; and most of the other  
 ‘ articles, of the ordinary estimate of the navy, will  
 ‘ be found to be of the same nature ; therefore I am  
 ‘ surpris’d to hear it said, that the charge upon any  
 ‘ of these articles can be well known to any member  
 ‘ of this house, or that its not exceeding the charge  
 ‘ upon the same article in former years, can be an  
 ‘ argument for the justness of the charge in any time  
 ‘ to come.

‘ I have, Sir, many doubts, in which I think I  
 ‘ ought to be satisfied ; I have many questions to  
 ‘ ask, which I think necessary for my information,  
 ‘ in relation to every article of this estimate ; but I  
 ‘ know it would be ridiculous to expect the proper  
 ‘ satisfaction or information, from any gentleman in  
 ‘ this house, were he never so well acquainted with

\* See Page 228.

' the affairs of the navy, were he never so well pre-  
 ' pared for satisfying my doubts and answering my  
 ' questions; because every article of the estimate re-  
 ' fers to a long particular account; every article of  
 ' which ought, in my opinion, to be examined,  
 ' before I, or any other gentleman, can have that  
 ' satisfaction, which we ought to have as trustees,  
 ' both for the King and the People. I could like-  
 ' wise mention several things, which appear to me  
 ' in a very extraordinary light; but it is impossible  
 ' for gentlemen to discover the fraud of any article  
 ' in an estimate, or to state their objections in any  
 ' proper and regular method, without examining  
 ' persons, papers, and records; which cannot be  
 ' done any other way, but by referring the estimate  
 ' to a select committee, with proper powers for that  
 ' purpose. If this be done, I shall think it worth  
 ' my while to propose my doubts and my objecti-  
 ' ons, and to ask such questions, as I may think ne-  
 ' cessary for my information; and I shall be ex-  
 ' tremely glad to find, that the suspicions, I may at  
 ' present entertain are without any foundation. This,  
 ' I say, would be a great satisfaction to me; and I  
 ' am sure it would be so far from giving an alarm,  
 ' that it would give great satisfaction to the whole  
 ' nation.

' What was contained in the estimates, which have  
 ' of late been yearly laid before us, or whether they  
 ' contained an account of all the annual charge that  
 ' could be foreseen, I cannot pretend to determine;  
 ' for there is so little satisfaction to be got from pe-  
 ' rusing accounts at our table, that I never give my-  
 ' self the trouble; but this, I can say, that if they  
 ' contained an account of all the charge that was  
 ' then necessary, it is something very extraordinary,  
 ' that our foresight was so short, as to run above  
 ' 100,000*l.* in debt yearly, upon the article of the  
 ' navy only: This I cannot well believe; and there-  
 ' fore I am afraid, that these estimates were made  
 ' deficient

' deficient on purpose to conceal, for some time, from  
 ' the nation, the expence which our measures had  
 ' made necessary ; because, as our navy is a favour-  
 ' able article, it was expected that the Parliament  
 ' would readily agree, without any inquiry, to make  
 ' that deficiency good, whenever it should be thought  
 ' necessary to make any application for that purpose.  
 ' I am likewise at a loss to determine, whether there  
 ' was every year laid before Parliament, an account  
 ' of the deficiency of the grants for the former year,  
 ' with respect to our navy ; but if such an account  
 ' was regularly laid every year before Parliament, it  
 ' is with me a very strong argument, for referring  
 ' every account and every estimate to select commit-  
 ' tees ; for the disadvantages attending our running  
 ' into a long arrear, are so many, and so evident,  
 ' that I am sure this house would not have allowed  
 ' that arrear to remain so long unsatisfied, or to run  
 ' up so high, if proper notice had been taken of the  
 ' accounts of that arrear, which, 'tis said, were yearly  
 ' laid upon our table : This shews, that most of the  
 ' gentlemen of this house are in the same case with  
 ' me ; they expect no manner of satisfaction from a  
 ' perusal of any account at our table, and therefore  
 ' they never give themselves the trouble to look over  
 ' any of them, which shews the necessity of refering  
 ' all such accounts to be examined and considered by  
 ' select committees.

' I shall not now inquire into the reasons for con-  
 ' tracting that large debt, under which the nation  
 ' groans at present ; but I am convinced, that if the  
 ' ancient method of inquiring into all accounts and  
 ' estimates, by select committees, had been constant-  
 ' ly observed, that debt would never have arisen to  
 ' so large a sum, nor would we have found so small  
 ' a part of it paid off, in a tract of above twenty  
 ' years profound peace and tranquillity ; and the  
 ' great haste we made in contracting it, and the  
 ' slow steps we have hitherto made in paying it off,

' is

‘ is, I think, another very strong argument for our  
 ‘ beginning, now at last, to look a little more nar-  
 ‘ rowly into our affairs, which can be done only by  
 ‘ reviving that ancient method of proceeding the  
 ‘ honourable gentleman has now moved for, with  
 ‘ respect to the estimate of the navy for this ensuing  
 ‘ year.

‘ What the honourable gentlemen may understand  
 ‘ by mysteries in accounts, I do not know; but to  
 ‘ me every article in the estimate now before us,  
 ‘ seems to be a mystery, and must be a real mystery  
 ‘ to every gentleman, who has never seen the particular  
 ‘ account to which each article refers. Can any gen-  
 ‘ tleman pretend to understand the very first article;  
 ‘ which is an article of upwards of 28,000*l. per ann.\**  
 ‘ without having ever looked into the particular ac-  
 ‘ count of what is paid for salaries and other charges,  
 ‘ to the Lords commissioners of the admiralty, the  
 ‘ commissioners of the navy, the secretaries, officers,  
 ‘ clerks, instruments and contingencies relating there-  
 ‘ to? Or can any gentleman pretend to say, that this  
 ‘ whole sum is absolutely necessary, without having  
 ‘ examined into the business of that office, in order  
 ‘ to see whether such commissioners, secretaries, of-  
 ‘ ficers, and clerks, are all necessary for supporting  
 ‘ the business of that office, and that such salaries are  
 ‘ necessary for supporting such officers? Let us look  
 ‘ into every other article of the estimate, and we  
 ‘ shall find the same mystery and the same doubt in  
 ‘ every one of them. Therefore, instead of our  
 ‘ not being able to shew any article that is mysteri-  
 ‘ ous and doubtful, I must desire the gentlemen of  
 ‘ the other side of the question, to shew me any  
 ‘ one article that is not mysterious and doubtful;  
 ‘ especially considering that no inquiry has been made  
 ‘ into either of the articles, I believe I may say,  
 ‘ within the memory of any gentleman now in this  
 ‘ house.

\* See Page 228.



‘ I hope, Sir, a negative will not be put upon  
 ‘ this question ; for if there should, I shall be sorry  
 ‘ it was ever proposed. The putting a negative up-  
 ‘ on such a question, will certainly give a real and  
 ‘ reasonable alarm to the people of this nation ; they  
 ‘ will, of course, imagine, that there must be er-  
 ‘ rors, and even frauds, in the estimates and accounts  
 ‘ delivered into Parliament, when the very gentle-  
 ‘ men who deliver them, or at least those who are  
 ‘ principally concerned in the making them up,  
 ‘ take care to prevent any inquiry or examination  
 ‘ into the truth and justice of those estimates and  
 ‘ accounts they deliver : Therefore, if gentlemen  
 ‘ are resolved to disagree with the motion, I hope,  
 ‘ for their own sakes, and for the honour of Parlia-  
 ‘ ment, they will take the method much practised  
 ‘ of late, and put the previous question, instead of  
 ‘ putting a negative, upon the question now before  
 ‘ us.’

The question being at last put upon the motion, Division.  
 it was, upon a division, carried in the negative, by  
 256 to 155.

The chief speakers for the motion, were, *William* Speakers.  
*Pulteney, Esq; Walter Plummer, Esq; Samuel San-*  
*dys, Esq; Sir John Barnard, and Philip Gybbon,*  
*Esq; and the chief speakers against it, were, Sir Ro-*  
*bert Walpole, Horatio Walpole, Esq; Thomas Win-*  
*nington, Esq; Sir William Yonge, and Sir Charles*  
*Wager.*

Immediately after this debate was over, the house Resolutions  
with respect  
to the army.  
 (according to order) resolved itself into a commit-  
 tee of the whole house, to consider farther of the sup-  
 ply granted to his Majesty, and came to the follow-  
 ing resolutions, without any debate or division ; only  
*William Shippen, Esq; made a short speech against*  
 keeping up such a numerous standing army in time  
 of peace.



The resolutions were as follow, viz.

1. That the number of effective men, to be provided for guards and garrisons in *Great Britain*, and for *Guernsey* and *Jersey*, for the year 1736, should be (including 1815 invalids, and 555 men, which the six independent companies consist of, for the service of the *Highlands*) 17,704 men, commission and non-commission officers included.

2. That a sum, not exceeding 649,270*l.* 2*s.* should be granted to his Majesty, for defraying the charge of the said 17,704 men for guards and garrisons, and other his Majesty's land forces in *Great Britain*, *Guernsey* and *Jersey*, for the year 1736.

3. That a sum, not exceeding 216,228*l.* 10*s.* and 11*d.* should be granted to his Majesty, for maintaining his Majesty's forces and garrisons in the plantations, *Minorca* and *Gibraltar*, for the year 1736.

4. That a sum, not exceeding 7144*l.* 1*s.* 11*d.* farthing, should be granted to his Majesty, for defraying several extraordinary expences and services, incurred *anno* 1735, and not provided for by Parliament.

Motion for  
a reduction.

These resolutions were agreed to by the house the next day; and, as soon as they were agreed to, a motion was made, ' That an humble address should  
' be presented to his Majesty, to acquaint him with  
' the readiness, wherewith his faithful Commons had  
' agreed to the continuance of the extraordinary expence, which he had thought necessary in the present juncture; in which resolution they had concurred with the greater chearfulness and willingness,  
' as a suitable and grateful return to his royal goodness, in ordering so considerable a reduction of his forces, both by sea and land, as soon as the present posture of affairs would permit; and in full confidence that it was his royal intention, as soon as there should be a more perfect reconciliation among the several powers of *Europe*, to make such farther reduction of his forces, as might be consistent

‘ sistent with the security and dignity of his Majesty’s  
 ‘ royal person and government, and with our pre-  
 ‘ sent happy constitution; not doubting, but that  
 ‘ from his fatherly compassion to his people, he  
 ‘ would be graciously pleased to direct, that what-  
 ‘ ever land forces should thereafter be thought neces-  
 ‘ sary, should be established in such a manner, as  
 ‘ should make the saving more sensible, and the fu-  
 ‘ ture burden less grievous to the nation.’

This motion occasioned another long debate, in which, besides the gentlemen who spoke for the last mentioned motion, *John Pitt*, Esq; and the Lord *Polwarth* spoke for this motion; and, besides the gentlemen who spoke against the last mentioned motion, Colonel *Bladen*, *John Conduit*, Esq; and some others, spoke against this: And the question being at last put, it was carried in the negative, without a division.

**T**HE same day, viz. on *Thursday* the 29th of *January*, was presented to the house the following report of the proceedings of the commissioners of the royal hospital for seamen at *Greenwich*, pursuant to an act of Parliament of the eighth year of his present Majesty, intituled, ‘ An act for the application of the rents and profits of the estates forfeited by the attainders of *James* late Earl of *Derwentwater*, and *Charles Radcliffe*, viz.

*Greenwich*  
hospital re-  
port.

‘ To the honourable the Commons of Great Britain, in  
 ‘ Parliament assembled.

‘ **I**N obedience to the directions of an act passed  
 ‘ in the last session of Parliament, intituled, “ An  
 ‘ act for the application of the rents and profits of the  
 ‘ estates forfeited by the attainders of *James* late Earl  
 ‘ of *Derwentwater*, and *Charles Radcliffe*; requir-  
 ‘ ing the commissioners or governors of the royal  
 ‘ hospital for seamen at *Greenwich*, to contract and

‘ agree with able and sufficient tradesmen, artificers, or other persons, for finishing and completing the said royal hospital, in a workman-like and substantial manner, on the easiest and most reasonable terms, according to the plan laid before the house of Commons in the said session of Parliament; and to lay their proceedings therein, with their annual accounts, before his Majesty and both houses of Parliament respectively.

‘ The commissioners and governors of the said hospital do humbly report, as follows.

‘ There has been received from the *Exchequer* the sum of 5182 *l.* 13 *s.* being the arrears remaining there of the rents of the estate; which sum has been invested in bank annuities, at 3 *l. per cent.* until there shall be occasion to dispose of the same, pursuant to the purposes of the act of Parliament.

‘ There has been likewise received, out of the rents of the estate, the sum of 2178 *l.* 13 *s.* 1 *d.*  $\frac{1}{4}$

‘ As to their proceedings in carrying on the building, the foundations of *Queen Mary's* court are in a great measure laid, and the walls of the chapel and kitchen are carried up to the top of the plinth, which is, to the cells of the windows of the base story, the expence of which has amounted to 1089 *l.* 15 *s.* 4 *d.*

‘ By order of the commissioners,

‘ *Admiralty-office,*  
‘ Jan. 29, 1735.

‘ *Tho. Corbet.*’

*Sinking fund*  
*accounts,*

**A**S the *sinking fund* is now a frequent topic of conversation; and as every man in the nation who has any property, or pays any taxes, or purchases any strong beer, small beer, brandy, or any other necessaries of life, upon which taxes are paid, is very much interested in the regular and faithful application of that fund, to the uses for which it was designed, we shall here insert the accounts of that fund,

fund, which were delivered into Parliament on *Saturday* the 31<sup>st</sup> of *January* last, viz.

*The excess or surplus of the several duties, revenues, and incomes, commonly called the aggregate fund, established by several acts of Parliament of the 3<sup>d</sup>, 5<sup>th</sup>, and 6<sup>th</sup> years of his late Majesty's reign, for answering the payments therein expressed, viz.*

## DEBTOR.

l. s. d.

The money arisen at the Exchequer within the half year ended at Lady-day, 1735, on the particular branches herein enumerated, viz.

House money, first granted 7 <sup>th</sup> of <i>Will. R.</i> —————	52,386	13	4
Two 3 <sup>d</sup> s tonnage and poundage	42,140	5	0 <sup>1</sup> / <sub>2</sub>
Arrears of the duties on coffee, tea, and chocolate, before the 24 <sup>th</sup> of <i>June</i> , 1724, and the duties on nutmegs, cinnamon, cloves, mace, pictures, and muslins —————	505	11	3
Arrears of the increased duties on coffee, tea, and chocolate, before the 24 <sup>th</sup> of <i>June</i> , 1724, and the duties on nutmegs, cinnamon, cloves, mace, and pictures —————	2,317	14	6
A moiety of the inland duty of 2 <sup>s</sup> . <i>per lb.</i> on coffee since 24 <sup>th</sup> <i>June</i> , 1724 —————	11,820	16	10
Ditto — of 4 <sup>s</sup> . <i>per lb.</i> on tea since ditto —————	25,565	9	0 <sup>1</sup> / <sub>2</sub>
The inland duty of 1 <sup>s</sup> . 6 <sup>d</sup> . <i>per lb.</i> on chocolate since ditto —————	5,776	19	5 <sup>1</sup> / <sub>2</sub>
Farther rates on white calicoes, china wares and drugs ———	2,689	19	1
Half subsidy of tonnage and poundage —————	15,655	16	9
Surplus of the other moiety above 80,000 <i>l.</i> <i>per annum</i> for annuities —————	158,859	5	3 <sup>1</sup> / <sub>4</sub>

## DEBTOR.

l. s. d.

The money arisen at the *Exchequer* within the half year ended at *Lady-Day*, 1735, on the particular branches herein enumerated, viz.

Additional duties on <i>French</i>			
wines and merchandizes ———	5,266	4	8
Plantation duties ———	693	13	10
Duties on hops ———	1,917	13	9½
Duties on brandy ———	8,721	13	8
Surplus of 9d. excise granted for 99 years ———	22,442	0	9
Ditto, of the ⅔ths of 9d. excise ———	8,228	14	2
Ditto, of the 3700l. per week excise ———	13,307	17	4½
Ditto, of the revenues in annuity acts, 4th, 5th, and 6th <i>Anne</i> ———	67,700	8	8½
Ditto, of the fund for the lottery, 1710 ———	21,677	2	1
Public monies brought into the <i>Exchequer</i> after <i>Michaelmas</i> , 1715, appropriated by an act of 1st <i>George I.</i> Page 301, viz. ———			
Duty on foreign sail-cloth ———	1,325	6	1

To the duty of 3d. per barrel excise, and the additional duty on pepper and al. arisen *Michaelmas*, 1734, and resting at *Lady-Day*, 1735, over and above sufficient to satisfy the annuities of 81,000l. per annum, granted anno 1710, computed to that time ———

26,399 7 1½

336,539 7 6½

The



*The excess or surplus of the several duties, revenues, and incomes commonly called the aggregate fund, established by several acts of Parliament of the 3d, 5th, and 6th years of his late Majesty's reign, for answering the payments therein expressed, viz.*

## C R E D I T O R.

l. s. d.

By payments charged on the aggregate fund, by acts of Parliament, viz.

By the Bank of England, on their annuity of 60,000*l.* (being the remainder of 80,000*l.* per annum, for cancelling two millions of Exchequer bills) for the half year ended at Lady-Day, 1735, pursuant to the act of 11 George I. Page 213, and 2d George II. Page 81. ———

30,000 00 0

By the South-Sea company to discharge annuities at 4 per cent. on the principal sum of 393,645*l.* 8*s.* to which the sum of 481,700*l.* subscribed into their capital, is reduced, by abating from the same 48,054*l.* 12*s.* for a proportional part of 4,500,000*l.* repaid to the said company, for redeeming so much of their capital, and the annuities attending the same, being the remainder of 500,000*l.* contributed on the first lottery, 1719, for the half year ended at Lady-Day, 1735 ——— ——— ———

7,872 18 1½

Towards the expence of his Majesty's civil government, for the half year ended at Lady-Day, 1735, by the act 1st George II. Page 8 ——— ———

60,000 00 0

By the South-Sea company to discharge annuities at 4 per cent. on the principal sum of 751,911*l.* 16*s.* 1*d.* to which the sum of 843,702*l.* 1*s.* 8*d.* subscribed into their capital, is reduced, by abating from the same 91,790*l.* 5*s.* 7*d.* for a proportional part of 4,500,000*l.* repaid to the said company, for redeem-

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# PARLIAMENTARY A. 1736. CREDITOR.

l. s. d.

ing so much of their whole capital, and the annuities attending the same, being the remainder of 1,079,000*l.* contributed for annuities *anno* 1715, for the half year ended at *Lady-day*, 1735 ———

15,038 4 8½

By the officers of the *Exchequer*-bill office, on their salaries, for the half year ended at *Lady-day*, 1735 ———

325 0 0

By the usher of the *Exchequer* for necessaries ———

58 16 2½

By the *South-Sea* company, and the governor and company of the *Bank* of *England*, claiming under them, for the half year ended at *Lady-day*, 1735, on 527*l.* 11*s.* 9*d.* half-penny *per annum*, being such part of 10,516*l.* 1*s.* 7*d.* *per annum*, residue of 12,000*l.* *per annum*, allowed them for charges of management on subscriptions by the act 6th of *Geo.* I. as is chargeable on this fund ———

263 15 10½

By the united company of merchants of *England*, trading to the *East-Indies*, on their reduced annuity of 128,000*l.* payable to them from *Michaelmas*, 1730, being after the rate of 4*l.* *per cent.* *per annum* on the said company's capital of 3,200,000*l.* for the half year ended at *Lady-day*, 1735, pursuant to the act 3d of *George* II. Page 452 ———

64,000 0 0

177,558 14 11

By the excess or surplus which at or before *Lady-day*, 1735, did arise by the duties composing the *aggregate fund per contra* (over and above all the monies then due, or payable to discharge the several annuities and other allowances and payments directed by acts of parliament to be satisfied out of the same) which excess or surplus is carried to the *sinking fund* ———

158,980 12 7½

336,593 7 6½

The

*The excess or surplus of such duties or revenues, (part of the South-Sea fund) as were established by act of Parliament of the third and fifth year of his late Majesty's reign, for answering payments to the South-Sea company and others; which excess or surplus is here stated at Lady-day, 1735, viz.*

DEBTOR.		l.	s.	d.
The money arisen at the Exchequer in the half year ended at Lady-day, 1735.	For impost on wines and vinegar	60,164	1	2½
	Impost on tobacco	36,008	13	1½
	Impost on <i>East-India</i> goods	47,594	1	3
	Additional impositions	15,798	0	10
	Additional whale-fins	2,152	15	0½
	Duty on candles since the 1st of May, 1715	38,913	14	5½
	Apprent. duty since ditto	2,054	0	5
		202,685	6	4

*The excess or surplus of such duties or revenues, (part of the South-Sea fund) as were established by act of Parliament of the third and fifth years of his late Majesty's reign, for answering payments to the South-Sea company and others, which excess or surplus is here stated at Lady-day, 1735, viz.*

## CREDITOR.

By the *South-Sea* company, to discharge annuities at 4*l.* per cent. on the principal sum of 8,912,053*l.* 8*s.* 8*d.* half-penny, to which their original capital of 10,000,000*l.* is reduced, by abating from the same 1,087,946*l.* 11*s.* and 3*d.* half-penny, for a proportional part of 4,500,000*l.* repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, and is from the half year ended at *Lady-day*, 1735 — 178,241 1 4½

By

## CREDITOR.

l. s. d.

By ditto company on 7129*l.* 12*s.*  
11*d.* *per annum*, for charges of manage-  
ment, to which their allowance of 8000*l.*  
*per annum* was reduced, on re-payment  
to the said company of 4,500,000*l.* as  
afore said, and is for the half year ended  
at Lady-Day, 1735

3,564 16 5<sup>1</sup>

181,805 17 10

By the excess or surplus which at, or  
before Lady-Day 1735, did arise by the  
rates, duties, impositions and revenues, *per*  
*contra*, over and above sufficient to satisfy  
all payments chargeable thereupon; which  
excess or surplus is carried to the sinking  
fund

20,879 8 6

202,685 6 4

*The produce at the Exchequer of the duties and revenues,  
which by an act of 3<sup>d</sup> George I. p. 303, were charged  
towards making good a general yearly fund of 724,849*l.*  
6*s.* 10*d.*  $\frac{1}{2}$ . with the deficiency thereof, and the overplus  
of the same general fund, stated at Lady-Day 1735, which  
overplus ariseth over and above all the monies, which then  
or before became due or payable, according to subsequent acts,  
out of the said duties, revenues, or general fund.*

## DEBTOR. l. s. d. l.

To money arisen at the Exchequer within the half year, ended at Lady-Day 1735, in part of 362,424 <i>l.</i> 13 <i>s.</i> 5 <i>d.</i> viz.	10 <i>l.</i> Lottery, 1711.	{	Subsidy on goods export- ed	16,862 10 2 <sup>1</sup>	} 83,691
			Two shil- lings <i>per</i> chal- dron on coals	27,912 15 3 <sup>1</sup>	
			Additional duty on can- dles	38,915 14 6	

To

DEBTOR. l. s. d. l. s. d.

To money arisen at the Exchequer, within the half year ended at Lady-Day, 1735. in part of 362,424 l. 13 s. 5 d. viz.	Class ditto, 1711.	Hackney-coaches and chairs—	3,589	3	11 $\frac{1}{2}$	79,758	16	10
		New stamp duties—	6,001	4	6			
		700 l. per week lottery-money—	17,500	0	0			
		Duty on hides and skins	52,668	8	4 $\frac{1}{2}$			
	10 l. Lottery, 1712.	Duty on soap—	59,170	9	4	67,019	10	0
		Stamp duties on paper	7,849	0	8			
		Additional duty on hides	30,182	4	2			
	Class ditto, 1712.	Duty on wire and starch	5,459	18	7 $\frac{1}{2}$	74,708	19	1 $\frac{1}{4}$
		Policies of insurance—	1,680	10	5			
		A moiety of the duty of 2 s. per lb. on coffee—	11,820	16	10			
		Ditto 4 s. per lb. on tea	25,565	9	0 $\frac{3}{4}$			
Hereditary excise, payable out of 3700 l. per week bankers annuit.						19,927	17	9
						325,106	3	8 $\frac{1}{4}$

To the complement for completing the general fund of 724,849 l. 6 s. 10 d. half-penny per annum, for the half year ended at Lady-day, 1735, to be made good by Parliament

37,318 9 8  $\frac{1}{4}$   
 362,424 13 5



*The produce at the Exchequer of the duties, and revenues which, by an act of the 3d of George I. page 303, were charged towards making good a general yearly fund of 724,849l. 6s. 10d. ½ with the deficiency thereof, and the overplus of the same general fund, stated at Lady-day, 1735; which overplus ariseth over and above all the monies, which then, or before, became due or payable, according to subsequent acts, out of the said duties, revenues or general fund.*

## CREDITOR.

l. s. d.

By payments charged on the general fund  
by acts of Parliament, viz.

By the South-Sea company to discharge annuities at 4l. per cent. on the principal sum of 7,423,108l. 4s. 10d. half-penny, to which the sum of 8,329,291l. 2s. 1d. subscribed into their capital, is reduced, by abating from the same 906,182l. 7s. 2d. half-penny, for a proportional part of the sum of 4,500,000l. repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 9,534,357l. 13s. 11d. three farthings, to which the proprietors of certain orders in the four lotteries, 1711 and 1712, and the debt due to certain bankers and others, were entitled for the half year ended *Lady-day*, 1735 148,462 3 6

By ditto company to discharge annuities at 4l. per cent. on the principal sum of 667,117l. 1s. 7d. to which the sum of 748,555l. 19s. 5d. subscribed into their capital, is reduced, by abating from the same 81,430l. 17s. 10d. for a proportional part of the sum of 4,500,000l. repaid to the said company for redeeming so much of their whole capital, and the annuities attending the same (being the remainder of 947,514l. 7s. 8d.) to which the proprietors of certain tallies of sol. were  
intituled

intituled, that were struck at the *Exchequer*, to make good sundry deficiencies, anno 1716, for the half year ended *Lady-day*, 1735

13,342 6 10

By ditto company to discharge annuities at 4*l. per cent.* on the principal sum of 1,079,064*l.* 18*s.* 3*d.* half-penny, to which the sum of 1,210,792*l.* 13*s.* 8*d.* subscribed into their capital is reduced, by abating from the same 131,727*l.* 15*s.* 4*d.* half-penny, for a proportional part of the sum of 4,500,000*l.* repaid to the said company for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 1,603,987*l.* 8*s.* 1*d.* half-penny, to which the proprietors of certain army debentures made forth to the 21st of *March*, 1719, were intituled for the half year ended *Lady-day*, 1735 —

21,581 5 11½

By ditto company to discharge annuities of 4*l. per cent.* on the principal sum of 96,074*l.* 9*s.* 9*d.* half-penny, to which the sum of 107,802*l.* 17*s.* 4*d.* subscribed into their capital is reduced, by abating from the same 11,728*l.* 7*s.* 6*d.* half-penny, for a proportional part of the sum of 4,500,000*l.* repaid to the said company for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 110,312*l.* 7*s.* 4*d.* to which the proprietors of certain tallies of Sol. were intituled, that were struck for the service of the navy, and the victualling thereof, for the half year ended at *Lady-day*, 1735

1,921 9 9½

By ditto company, and the governor and company of the bank of *England* claiming under them, for the half year ended at *Lady-day*, 1735, on 4267*l.*

## CREDITOR.

l. s. d.

4s. 8d. half-penny *per ann.* being such part of 10,516l. 1s. 7d. *per ann.* residue of 12,000l. *per annum*, allowed them for charges of management on subscription by the act 6 Geo. I. as is chargeable on this fund

2,133 12 4

By the sufferers of *Nevis* and *St. Christopher's*, for annuities at the rate of 3l. *per cent.* and upon the principal sum of 37,821l. 5s. 1d. farthing, residue of 141,093l. 15s. 1d. farthing, contained in orders of debentures made forth by the commissioners for affairs of trade and plantations for the half year ended at *Lady-Day*, 1735

567 06 4<sup>1</sup>/<sub>2</sub>188,008 04 9<sup>1</sup>/<sub>2</sub>

Balance is the overplus, which at, or before *Lady-Day*, 1735, did arise by the said general fund in this half year, (when the sum of 37,318l. 9s. 8d. three farthings *per contra*, shall be made good by Parliament) over and above sufficient to satisfy all annuities and other sums due or payable out of the same, which excess or surplus is carried to the sinking fund

174,416 08 7<sup>1</sup>/<sub>2</sub>

362,424 13 5

*The Exchequer to the sinking fund.*

DEBTOR.

l. s. d.

To surplus money unapplied at *Michaelmas*, 1734, as *per* account, for the half year then ended

37,557 13 4

To surplus money arisen in the half year ended at *Lady-Day*, 1735, *viz.*

Surplus of the aggregate

fund, as *per* account — 158,980 12 7 $\frac{3}{4}$

Surplus of the *South-sea* company's fund, as *per* account

20,879 08 6

Surplus of the general fund, when the sum of 37,318*l.* 9*s.* 8*d.* three farthings, being the complement to 362,424*l.* 13*s.* 5*d.* shall be made good, as *per* account

174,416 08 7 $\frac{1}{2}$

354,276 09 9 $\frac{1}{4}$

391,834 03 1 $\frac{1}{2}$

*The*

*The Exchequer to the Sinking-fund.*

per contra.

## CREDITOR.

l. s. d.

By cash taken in full of the sum of  
1,200,000*l.* for, or towards the supply  
granted to his Majesty for the service of  
the year 1734, pursuant to the act 7th  
Geo. II. Page 264

118,799 12 11½

By remains at *Lady-day*, viz.

Surplus of the aggre-  
gate fund

134,716 11 11½

Surplus of the *South-*  
*Sea* company's fund —

4,673 18 10½

Surplus of the general  
fund, when the sum of  
37,318*l.* 9*s.* 8*d.* three  
farthings, the deficiency  
thereof in this half year,  
shall be made good by  
Parliament \*

133,643 19 3¾

273,034 10 2

391,834 03 1¼

This being the five and twentieth half yearly account  
made up, pursuant to the act of 9th Geo. I. Page 367, is  
humbly presented the 31st day of *January*, 1735, by me

J. S.

*The*



*The excess or surplus of the several duties, revenues, and incomes, commonly called the aggregate fund, established by several acts of Parliament of the 3d, 5th, and 6th years of his late Majesty's reign, for answering the payments therein expressed, viz.*

## DEBTOR.

l. s. d.

Houfe money, first granted			
7th of <i>Will. R.</i> —————	49,276	10	4
Two 3ds tonnage and poundage	60,250	17	3
Arrears of the duties on coffee, tea, and chocolate, before the 24th of <i>June</i> , 1724, and the duties on nutmegs, cinnamon, cloves, mace, pictures, and muslins ———	815	7	9
Arrears of the increased duties on coffee, tea, and chocolate, before the 24th of <i>June</i> , 1724, and the duties on nutmegs, cinnamon, cloves, mace, and pictures —	10,454	18	6
A moiety of the inland duty of 2s. per lb. on coffee since the 24th <i>June</i> , 1724 ———	13,629	1	10 $\frac{1}{2}$
Ditto— of 4s. per lb. on tea since ditto ———	35,471	18	8 $\frac{1}{2}$
The inland duty of 1s. 6d. per lb. on chocolate since ditto	4,519	5	7 $\frac{1}{2}$
Farther rates on white calicoes, china wares, and drugs —	1,582	0	3
Half subsidy of tonnage and poundage ———	58,018	10	8 $\frac{1}{2}$
Surplus of the other moiety above 80,000 <i>l.</i> per annum, for annuities	12,716	19	5 $\frac{1}{2}$
Additional duties on <i>French</i> wines and merchandizes ———	11,328	7	3 $\frac{1}{2}$
Plantation duties ———	240	19	8
Duties on hops ———	35,412	10	4 $\frac{1}{2}$
Duties on brandy ———	11,870	2	4
Surplus of the 9d. excise granted for 99 years ———	33,261	16	6 $\frac{1}{2}$
Ditto, of the $\frac{3}{4}$ ths 9d. excise	11,408	14	2
Ditto, of the $\frac{3}{4}$ ths 9d. excise.	18,061	10	8
Ditto, of the 3700 <i>l.</i> per week excise ———	20,707	17	4 $\frac{1}{2}$
U			Surplus

The money arisen at the *Exchequer* within the half year ended at *Michaelmas*, 1735, on the particular branches herein enumerated, viz.

## DEBTOR.

l. s. d.

The money arisen at the Exchequer within the half year ended at Michaelmas, 1735, on the particular branches herein enumerated, viz.

Surplus of the revenues in annuity acts, 4th, 5th, and 6th			
<i>Anna</i> _____	127,386	15	10
Ditto, of the fund for the lottery, 1710 _____	32,296	17	9½
Public monies brought into the Exchequer after Michaelmas, 1715, appropriated by an act of 1st George I. Page 301, viz. _____			
Duty on foreign sail-cloth	262	12	10½
Arrears of the 10th, 2s. aid, <i>anno</i> 1726 _____	1,854	18	10½
Ditto, of the 10th, 3s. aid, <i>anno</i> 1728 _____	141	4	10
Ditto, of the 11th, 3s. aid, <i>anno</i> 1729 _____	1,058	18	1½
Ditto, of the 12th, 2s. aid, <i>anno</i> 1731 _____	6,544	1	8½
Ditto, of the 1st, 1s. aid, <i>anno</i> 1732 _____	9,599	5	7¼
	568,172	4	6½

To the duty of 3d. per barrel excise, and the additional duty on pepper, &c. arisen since Lady-day, 1734, and resting at Michaelmas following, 1735, over and above sufficient to satisfy the annuities of 81,000l. per annum, granted anno 1710, computed to that time \_\_\_\_\_

27,163.12 1½

595,335 16 8

The excess or surplus of the several duties, revenues, and incomes commonly called the aggregate fund, established by several acts of Parliament of the 3d, 5th, and 6th years of his late Majesty's reign, for answering the payments therein expressed, viz.

CREDITOR.

l. s. d.

By payments charged on the aggregate fund, by acts of Parliament, viz.

By the Bank of England, on their annuity of 60,000*l.* (being the remainder of 80,000*l.* per annum, for cancelling two millions of Exchequer bills) for the half year ended at Michaelmas, 1735, pursuant to the act of 2d George I. Page 213, and 2d George II. Page 81. —

30,000 00 0

By the South-Sea company to discharge annuities at 4 per cent. on the principal sum of 393,645*l.* 8*s.* to which the sum of 441,700*l.* subscribed into their capital is reduced, by abating from the same 48,054*l.* 12*s.* for a proportional part of 4,500,000*l.* repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 500,000*l.* contributed on the first lottery, 1719, for the half year ended Michaelmas, 1735 — —

7,872 18 1½

Towards the expence of his Majesty's civil government, for the half year ended at Michaelmas, 1735, by the act 1st George II. Page 8 — —

60,000 00 0

By the South-Sea company to discharge annuities at 4 per cent. on the principal sum of 751,911*l.* 16*s.* 1*d.* to which the sum of 843,702*l.* 1*s.* 8*d.* subscribed into their capital, is reduced, by abating from the same 91,790*l.* 5*s.* 7*d.* for a proportional part of 4,500,000*l.* repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, being

U 2 the

the remainder of 1,079,000*l.* contributed for annuities *anno* 1715, for the half year ended at *Michaelmas*, 1735 ———

15,038 4 8½

By the officers of the *Exchequer-bill* office, on their salaries, for the half year ended at *Michaelmas* 1735 ———

325 0 0

By the usher of the *Exchequer* for necessaries ———

30 15 8

By the sheriffs of *England* and *Wales* on 4000*l.* *per annum*, by the act 3d *George* I. for the year ended *Michaelmas*, 1735 ———

4000 0 0

By the *South-Sea* company, and the governor and company of the bank of *England*, claiming under them, for the half year ended at *Michaelmas* 1735, on 527*l.* 11*s.* 9*d.* half-penny *per annum*, being such part of 10,516*l.* 1*s.* 7*d.* *per annum*, residue of 12,000*l.* *per annum*, allowed them for charges of management on subscriptions by the act 6th of *Geo.* I. as is chargeable on this fund ———

263 15 10½

By the united company of merchants of *England*, trading to the *East-Indies*, on their reduced annuity of 128,000*l.* payable to them from *Michaelmas*, 1730, being after the rate of 4*l.* *per cent.* *per annum* on the said company's capital of 3,200,000*l.* for the half year ended at *Michaelmas*, 1735, pursuant to the act 3d *George* II. Page 452 ———

64,000 0 0

By so much of the sum of 7237*l.* 18*s.* 3*d.* half-penny, being a medium of the annual income of the duty on rough and undressed flax, taken off by the act 4th *George* II. as was made good to the several public creditors at *Midsummer*, 1735 (the remaining sum of 3014*l.* 7*s.* 4*d.* half-penny, being applicable to the funds composing this *aggregate fund*, before the duties on rough and undressed flax

flax

36.  
d.

# A. 1736. DEBATES.

293

## CREDITOR.

l. s. d.

8 1/2

flax were repealed, is therefore not charged thereupon) ——— ———

4,223 10 11

185,754 4 3 1/2

0.

8

0

By the excess or surplus which at or before *Michaelmas* 1735, did arise by the duties composing the *aggregate fund*, *per contra* (over and above all the monies then due or payable, to discharge the several annuities, and other allowances and payments directed by acts of Parliament to be satisfied out of the same) which excess or surplus is carried to the *sinking fund* ——— ——— ———

409,581 11 4 1/2

595,335 16 8

0 1/2

0

U 3

The



*The excess or surplus of such duties or revenues, (part of the South-Sea company's fund) as were established by acts of Parliament of the third and fifth years of his late Majesty's reign, for answering payments to the South-Sea company, and others; which excess or surplus is here stated at Michaelmas, 1735, viz.*

## DEBTOR.

l. s. d.

The money arisen at the Exchequer in the half year ended at Michaelmas, 1735.

For impost on wines and vinegar	_____	_____	112,952	9	5
Impost on tobacco	_____	_____	27,930	18	8½
Impost on <i>East-India</i> goods	_____	_____	41,329	19	8½
Additional impositions	_____	_____	24,164	7	10½
Additional whale-fins	_____	_____	2,673	7	9½
Duty on candles since the 1st of May, 1715	_____	_____	32,850	14	11½
Apprent. duty since ditto	_____	_____	3,554	5	5
			<hr/>		
			245,456	3	10½

To so much of the sum of 7237*l.* 18*s.* 3*d.* half-penny, being a medium of the annual income of the duty on rough and undressed flax, taken off by the act of 4th *George* II. as would have been applied to this fund, had not these duties been repealed, and is therefore made good to the same out of the sum of 4223*l.* 10*s.* 11*d.* charged on the aggregate fund, as *per* preceding account

---

2,097 15 8½

---

247,553 19 7

*The*

The excess or surplus of such duties or revenues, (part of the South-Sea company's fund) as were established by acts of Parliament of the third and fifth years of his late Majesty's reign, for answering payments to the South-Sea company and others, which excess or surplus is here stated at Michaelmas, 1735, viz.

## CREDITOR.

l. s. d.

By the South-Sea company, to discharge annuities at 4*l.* per cent. on the principal sum of 8,912,053*l.* 8*s.* 8*d.* half-penny, to which their original capital of 10,000,000*l.* is reduced, by abating from the same 1,087,946*l.* 11*s.* and 3*d.* half-penny, for a proportional part of 4,500,000*l.* repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, and is from the half year ended at Michaelmas, 1735. — 178,241 1 4½

By ditto company on 7,129*l.* 12*s.* 11*d.* per annum, for charges of management, to which their allowance of 8000*l.* per annum was reduced, on re-payment to the said company of 4,500,000*l.* as aforesaid, and is for the half year ended at Michaelmas, 1735 3,564 16 5½

181,805 17 10

By the excess or surplus which at, or before Michaelmas, 1735, did arise by the rates, duties, impositions and revenues, *per contra*, over and above sufficient to satisfy all payments chargeable thereupon, which excess or surplus is carried to the sinking fund — — 65,748 1 9

247,553 19 7

*The produce at the Exchequer, of the duties and revenues, which by an act of the 3d of George I. Page 303, were charged towards making good a general yearly fund of 724,849l. 6s. 10d.  $\frac{1}{2}$  with the deficiency thereof, and the overplus of the same general fund, stated at Michaelmas, 1735, which overplus ariseth over and above all the monies, which then, or before, became due, or payable, according to subsequent acts, out of the said duties, revenues, or general fund.*

DEBTOR.		l.	s.	d.	l.	s.	d.	
To money arisen at the Exchequer, within the half year ended at Michaelmas, 1735, viz.	10l. Lottery, 1711.	Subsidy on goods exported ———	15,499	12	3	93,469	4	11
		Two shillings per chaldron on coals	45,102	4	2½			
		Additional duty on candles ———	32,867	8	5½			
	Clas ditto, 1711.	Hackney-coaches and chairs ———	4,127	10	0	91,097	13	5½
		New stamp duties ———	9,367	0	5			
		700l. per week lottery-money ———	18,900	0	0			
	10l. Lottery, 1712.	Duty on hides and skins	58,703	3	0½	81,506	8	0½
		Duty on soap ———	72,715	10	1½			
		Stamp duties on paper	8,790	17	11			
	Clas ditto, 1712.	Additional duty on hides	33,979	16	6½			
		Duty on wire and starch —	6,156	8	3			
		Policies of insurance —	1,559	19	7			

DEBTOR. l. s. d. l. s. d.

To money arisen at the <i>Exchequer</i> within the half year ended at <i>Michaelmas</i> , 1735, <i>viz.</i>	Clas ditto, 1712.	A moiety of the duty of 2s. per lb. on coffee		13,629	1	10 <sup>3</sup> / <sub>4</sub>			
		Ditto of 4s. per pound on tea		35,471	18	8 <sup>1</sup> / <sub>2</sub>	90,797	4	11 <sup>3</sup> / <sub>4</sub>
		Hereditary excise, payable out of 3700l. per week bankers annuities					19,927	17	9
							376,798	9	1 <sup>3</sup> / <sub>4</sub>
		Deduct to make good the deficiency of this fund in the half year ended at <i>Lady-Day</i> , 1735					37,318	9	8 <sup>1</sup> / <sub>4</sub>
							339,479	19	5

And then the complement for completing the general fund of 724,849l. 6s. 10d. one 5th *per annum*, for the year ended at Michaelmas, 1735, to be made good by Parliament, is

22,944 14 0  
 362,424 13 5

The produce at the Exchequer of the duties and revenues, which by an act of the 3d of George I. p. 303, were charged towards making good a general yearly fund of 724,849l. 6s. 10d. <sup>1</sup>/<sub>5</sub>. with the deficiency thereof, and the overplus of the same general fund, stated at Michaelmas, 1735, which overplus ariseth over and above all the monies, which then, or before, became due, or payable, according to subsequent acts, out of the said duties, revenues, or general fund.

## CREDITOR.

l. s. d.

By payments charged on the general fund by acts of Parliament, viz.

By the South-Sea company to discharge annuities at 4l. *per cent.* on the principal sum of 7,423,108l. 4s. 10d. half-penny, to which the sum of 8,329,291l. 2s. 1d. subscribed into their capital, is

reduced,

reduced, by abating from the same 906,182*l.* 7*s.* 2*d.* half-penny, for a proportional part of the sum of 4,500,000*l.* repaid to the said company, for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 9,534,357*l.* 13*s.* 11*d.* three farthings, to which the proprietors of certain orders in the four lotteries, 1711 and 1712, and the debt due to certain bankers and others, were entitled for the half year ended *Michaelmas*, 1735 148,462 3 6

By ditto company to discharge annuities at 4*l.* *per cent.* on the principal sum of 667,117*l.* 1*s.* 7*d.* to which the sum of 748,555*l.* 19*s.* 5*d.* subscribed into their capital, is reduced, by abating from the same 81,438*l.* 17*s.* 10*d.* for a proportional part of the sum of 4,500,000*l.* repaid to the said company for redeeming so much of their whole capital, and the annuities attending the same (being the remainder of 947,514*l.* 7*s.* 8*d.*) to which the proprietors of certain tallies of Sol. were intitled that were struck at the *Exchequer*, to make good sundry deficiencies, *anno* 1716, for the half year ended *Michaelmas*, 1735 — 13,342 6 10

By ditto company to discharge annuities at 4*l.* *per cent.* on the principal sum of 1,079,064*l.* 18*s.* 3*d.* half-penny, to which the sum of 1,210,792*l.* 13*s.* 8*d.* subscribed into their capital is reduced, by abating from the same 131,727*l.* 15*s.* 4*d.* half-penny, for a proportional part of the sum of 4,500,000*l.* repaid to the said company for redeeming so much of their whole capital, and the annuities attending the same, being the remainder of 1,603,987*l.* 8*s.* 1*d.* half-penny, to which the proprietors of cer-  
tain



tain army debentures made forth to the  
21st of *March*, 1719, were intitled, for  
the half year ended *Michaelmas*, 1735

21,581 5 11½

By ditto company to discharge annu-  
ties of 4*l. per cent.* on the principal  
sum of 96,074*l. 9s. 9d.* half-penny, to  
which the sum of 107,802*l. 17s. 4d.*  
subscribed into their capital is reduced,  
by abating from the same 11,728*l. 7s. 6d.*  
half-penny, for a proportional part of  
the sum of 4,500,000*l.* repaid to the  
said company for redeeming so much of  
their whole capital, and the annuities  
attending the same, being the remainder  
of 110,312*l. 17s. 4d.* to which the  
proprietors of certain tallies of Sol. were  
intitled, that were struck for the service  
of the navy, and the victualling there-  
of, for the half year ended at *Michael-*  
*mas*, 1735

1,921 9 9½

By ditto company, and the governor  
and company of the *Bank of England*  
claiming under them, for the half year  
ended at *Michaelmas*, 1735, on 4267*l.*  
4*s. 8d.* half-penny *per ann.* being such  
part of 10,516*l. 1s. 7d.* *per ann.* re-  
sidue of 12,000*l. per ann.* allowed them  
for charges of management on subscrip-  
tions by the act 6to *Geo. I.* as is  
chargeable on this fund

2,133 12 4

By the sufferers of *Nevis* and *St.*  
*Christophers*, for annuities at the rate of  
3*l. per cent.* and upon the principal sum  
of 37,821*l. 5s. 1d.* farthing, residue  
of 141,093*l. 15s. 1d.* farthing, con-  
tained in orders of debentures made  
forth by the commissioners for affairs of  
trade and plantations for the half year  
ended at *Michaelmas*, 1735

567 06 4½

Balance

# PARLIAMENTARY A. 1736. CREDITOR.

l. s. d.

Balance is the overplus, which at, or before *Michaelmas*, 1735, did arise by the said general fund in this half year, (when the sum of 22,944*l.* 14*s.* *per contra*, shall be made good by Parliament) over and above sufficient to satisfy all annuities and other sums due, or payable out of the same, which excess or surplus is carried to the sinking fund

174,416 08 7½

362,424 13 5

## *The Exchequer to the Sinking-fund.*

### DEBTOR.

l. s. d.

To surplus money unapplied at *Lady-day*, 1734, as *per* account, for the half year then ended

273,034 10 2

To surplus money arisen in the half year ended at *Michaelmas*, 1735, *viz.*

Surplus of the aggregate fund, as *per* account — 409,581 11 4½

Surplus of the *South sea* company's fund, as *per* account

65,748 1 9

Surplus of the general fund, when the sum of 22,944*l.* 14*s.* being the complement to 724,849*l.* 6*s.* 10*d.* one 5th shall be made good as *per* account

— 174,416 8 7½ 649,746 1 9

922,780 11 11

*The Exchequer to the Sinking-fund,* per contra.

## CREDITOR.

l. s. d.

By cash paid for interest on the million lent on the credit of the salt duties, for the supplies of the year 1734, pursuant to the act 7th *George II.* Pages 104, and 105, which sum is to be replaced to the *sinking fund*, out of the first aids to be granted in Parliament, as per clause in the said act 7th *George II.* Page 105, in that behalf ————

24,570 2 7

By cash taken in part of the sum of 1,000,000 *l.* for or towards the supply granted to his Majesty for the service of the year 1735, pursuant to the act 8th *George II.* Pages 191, and 192, in that behalf ————

875,265 15 4

899,835 17 11

By remains at *Michaelmas*, 1735, being the deficiency of the general fund, *anno* 1735, to be made good by Parliament ————

22,944 14 0

922,780 11 11

This being the fix and twentieth half yearly account made up, pursuant to the act of 9th *Geo. I.* Page 367, is humbly presented this 31st day of *January*, 1735, by me

J. S.

On

Account of  
public debts.

ON Monday the 2d of *February*, it was ordered that the proper officer should lay before the house, an account of all the public debts, at the receipt of his Majesty's *Exchequer*, due or standing out *Christmas*, 1735, with the annual interest or sums paid for the same; and the said account was accordingly presented on the 16th of the same month, and ordered to lie on the table to be perused by the members of the house. By comparing this with the annual produce of the sinking fund, we may see how long a time must intervene before all our debts are paid off, even tho' the whole annual produce of the sinking fund should be in the most sacred and religious manner applied to the paying off our old debts, and to no other use; but as it seems of late to have been impossible for us to raise within the year the supplies necessary for the service of the year; and as it is not to be presumed, but that this nation, like every other nation, will every now and then be engaged in some extraordinary expence, by the means of the broils, or perhaps, open wars we may have with some of our neighbours, it is most justly to be apprehended that we shall not get our selves quite free of all public debts, perhaps for ages to come.

Motion for  
raising sup-  
plies within  
the year.

For this reason, among others, a motion was made on the said 2d day of *February*, by *Samuel Sandys, Esq;* and seconded by *Sir John Barnard*, for the house to resolve, 'That they would raise the supplies necessary for the service of the ensuing year, within the year.' Which motion brought on a debate, in which the arguments for the motion were in substance as follows, *viz.*

Arguments  
for the mo-  
tion,

' Sir, every man is now, I believe, convinced, that the great load of debt we groan under, is a most heavy clog upon all our public measures, and will certainly, while it continues, prevent its being

' ing in our power to act, upon any occasion, with  
 ' that vigour we ought, either in vindication of the  
 ' honour and interest of this nation, or in defence of  
 ' our allies : This, of itself is a most terrible mis-  
 ' fortune ; but what still adds to the misfortune, is,  
 ' that these our unlucky circumstances are well known  
 ' to all our neighbours, which is, I believe, the prin-  
 ' cipal cause of our having so little influence upon  
 ' the councils of other nations, as we appear to have  
 ' had for some years past ; and while this load con-  
 ' tinues upon us, we may expect not only to have  
 ' no influence upon the councils of foreign nations,  
 ' but to be insulted and plundered by them, as often  
 ' as they can find the least pretence for so doing :  
 ' In such circumstances, therefore, it is one of the  
 ' most pernicious things we can do, to run the na-  
 ' tion any farther in debt by creating new funds, or  
 ' to pervert that fund which was long since appro-  
 ' priated, and ought to be most religiously applied  
 ' to the extinguishing yearly a part of that debt,  
 ' which was contracted before the year 1716 ; for  
 ' if we should do so in time of peace, it will con-  
 ' vince every one of our neighbours, that it would  
 ' be impossible for us to support an expensive war,  
 ' which will, of course, render us contemptible in  
 ' the eyes of all foreign nations.

' Thus, Sir, with respect to our foreign affairs,  
 ' the running the nation into any new debt, or per-  
 ' verting that fund which is appropriated to the clear-  
 ' ing off our old mortgages, must be of very bad  
 ' consequence ; and, with respect to our domestic  
 ' affairs, the consequences of pursuing any such mea-  
 ' sures, are fully as pernicious ; for every new mort-  
 ' gage we make, becomes a sort of prop or buttress,  
 ' for supporting and keeping up the interest payable  
 ' upon the former ; whereas we ought to use all pos-  
 ' sible means to reduce that interest, not only for the  
 ' encouragement of trade and commerce among us,  
 ' but in order to increase the sinking fund, which  
 ' would



‘ would, of course, enable us to pay off all our old  
‘ debts much sooner than it will otherwise be pos-  
‘ sible for us to do: Nay, I am almost certain, that  
‘ if no new debts had been contracted since the year  
‘ 1716, nor any part of the sinking fund converted  
‘ to other uses than it was originally designed for, the  
‘ interest upon all our funds would have been long  
‘ since reduced to 3 *per cent.* and a much greater  
‘ part of our old debt would have been paid off,  
‘ by which we would have been enabled to have  
‘ taken off some of those heavy taxes, under which  
‘ the poor labourers and manufacturers have groaned  
‘ for so many years.

‘ The loading of posterity with new debts, in or-  
‘ der to give a little ease to the present generation,  
‘ may perhaps, Sir, be a good temporary expedient  
‘ for a minister, and may prevent the people’s being  
‘ sensible of, or making too particular an inquiry  
‘ into that expence which his measures have brought  
‘ upon them, but it is a most pernicious expe-  
‘ dient, both for the royal family and for the na-  
‘ tion in general; for when any sum of money is  
‘ raised for the service of the ensuing year, by con-  
‘ tracting a new debt, and creating a new fund for  
‘ the payment of that debt, it is subjecting the na-  
‘ tion to pay at least double that sum at last; be-  
‘ cause, in every such case, the nation is obliged to  
‘ pay interest for the money raised, and the expences  
‘ of collecting and management, for many years,  
‘ besides paying the principal at last: This shews the  
‘ loss the nation sustains by the contracting of any  
‘ debt for the current service; and by a long conti-  
‘ nuation of such measures, the people may come to  
‘ be so loaded with taxes, and all those taxes so much  
‘ engaged, for the payment of former mortgages, that  
‘ it may become impossible for his Majesty, or some  
‘ of his successors, to vindicate the rights of the  
‘ nation, or protect the people from being insulted  
‘ by their neighbours, without loading them with  
‘ heavier

' heavier taxes than that they are able to bear ; which  
' may, very probably, raise a general disaffection  
' against our present happy establishment ; and may  
' be of the most dangerous consequence even to the  
' public creditors themselves ; for if ever we should  
' be reduced to such unlucky circumstances, as that  
' either the nation must be ruined, or the public cre-  
' ditors left unpaid, it is easy to see which side of  
' the dilemma would be chosen.

' I have always, Sir, been of opinion, that the  
' proper method to prevent our running in debt, is,  
' to diminish our yearly expence ; but as the num-  
' ber of our forces, both by sea and land, for the  
' service of the ensuing year, has already been agreed  
' to by this house, I cannot now propose any dimi-  
' nution of our expence for this ensuing year ; we  
' have already granted a great part of the supplies  
' deemed necessary for the service of the ensuing  
' year ; and we are, according to order, to go this  
' day into a committee of ways and means, for rais-  
' ing those supplies : What methods may then be  
' proposed for that purpose I do not know ; but as  
' I am of opinion, that no consideration ought to  
' prevail with us to contract any new debt, or to  
' pervert that fund, which stands appropriated for  
' the payment of the old, I shall take the liberty  
' to make you a motion, which I hope the house  
' will agree to ; for if it should appear that our  
' usual funds cannot answer the services we have al-  
' ready agreed to, I think it will be better to lay  
' some new taxes upon the luxuries of life, than to  
' create new funds ; because by creating new funds,  
' instead of laying taxes upon luxury, it may be just-  
' ly said, that we run the hazard of reducing our  
' posterity to the want even of the necessaries of life,  
' in order that we ourselves may have an opportu-  
' nity of living in affluence, luxury, and wanton-  
' ness ; for this reason, Sir, before we go into the  
' committee of ways and means, I shall take the li-

‘ berty to make you this motion, &c.’ (as above-mentioned.)

The answer was to this effect, *viz.*

Answer.

‘ Sir, if the question now before us depended  
 ‘ solely upon the influence this nation has at present  
 ‘ in the councils of all the powers of *Europe*, or  
 ‘ upon the regard our neighbours have shewn to this  
 ‘ nation, in all their measures for several years past,  
 ‘ a very few words would be sufficient to shew, that  
 ‘ we ought not to come to any such resolution, as  
 ‘ the honourable gentleman has been pleased to pro-  
 ‘ pose; for it is certain, that we never had a greater  
 ‘ influence, than we have at present in every court  
 ‘ of *Europe*, and that influence is founded upon the  
 ‘ strongest reason; because our neighbours all know  
 ‘ very well, that we have now two funds, which  
 ‘ will be sufficient for supporting any war we may  
 ‘ be engaged in, and which we can upon any such  
 ‘ occasion make use of, without over-loading the  
 ‘ subject, or raising any disaffection or discontent in  
 ‘ the nation: The funds I mean, are the land-tax  
 ‘ and the sinking fund; for tho’ our landed gentle-  
 ‘ men would perhaps think it hard to be obliged to  
 ‘ pay four shillings in the pound land-tax, during a  
 ‘ time of peace and tranquillity, yet they would not  
 ‘ certainly grudge that tax, if they saw the nation  
 ‘ necessarily involved in a war; and tho’ the sinking  
 ‘ fund, which now brings in a great sum of money  
 ‘ yearly, is to be applied in the most religious man-  
 ‘ ner, to the payment of our old debts; yet, in case  
 ‘ of a war, I believe no gentleman will say, but that  
 ‘ it would be proper to suspend any such payments  
 ‘ during the war, especially as none of the public  
 ‘ creditors are desirous of having their money, and  
 ‘ to apply that fund towards supporting the war;  
 ‘ so that it may be said, and our neighbours know  
 ‘ extremely well, that we have a revenue of above

‘ two millions, besides our usual supplies, which we  
 ‘ may raise and convert towards supporting a war,  
 ‘ and that without laying any new or extraordinary  
 ‘ tax upon our people.

‘ I shall admit, Sir, that the sinking fund would  
 ‘ be a gainer, by the reduction of the interest pay-  
 ‘ able upon the old funds, and I shall likewise ad-  
 ‘ mit, that it would be an advantage to the nation,  
 ‘ to have the sinking fund increased; but I very  
 ‘ much question, if it would be possible to reduce  
 ‘ the interest payable upon our old funds, lower than  
 ‘ it is at present, even tho’ we should never at any  
 ‘ time hereafter contract one shilling of new debt:  
 ‘ I have indeed heard of a great many projects for  
 ‘ that purpose; and some of those projects have ap-  
 ‘ peared pretty well in theory, but when they came  
 ‘ to be strictly examined, it has always been found,  
 ‘ that they would not do in practice, and therefore  
 ‘ they have been laid aside: Besides, Sir, I am of  
 ‘ opinion, that it would be an experiment of the  
 ‘ most dangerous consequence, to endeavour to re-  
 ‘ duce the interest payable upon our old funds, lower  
 ‘ than it is at present; because it would probably in-  
 ‘ duce all foreigners, to draw their money all at once  
 ‘ out of our public funds, which would of course  
 ‘ bring our public credit into great distress, and would  
 ‘ drain us of all the ready specie now circulating in  
 ‘ the nation; and if the public credit of the nation  
 ‘ should be once brought into any great distress,  
 ‘ even most of our own people would certainly take  
 ‘ the alarm, which would run it so low, that the  
 ‘ restoring of it would become impracticable.

‘ Another consideration, Sir, of great weight with  
 ‘ me, is, That we cannot well reduce the interest  
 ‘ upon our public funds any lower than it is at pre-  
 ‘ sent, without reducing at the same time the interest  
 ‘ of money in general; and I am persuaded the re-  
 ‘ ducing the interest of money in general to a lower  
 ‘ rate than what it is at present, would bring great



‘ difficulties upon all ranks of men in the kingdom,  
 ‘ With respect to the public creditors, the difficulties  
 ‘ they would be reduced to, are apparent; for the  
 ‘ third part of their yearly income has already been  
 ‘ taken from them, by the reductions already made;  
 ‘ and if a farther reduction of one *per cent.* should  
 ‘ be made, they would then have but one half of  
 ‘ that revenue, which they supposed they were to  
 ‘ have when they first lent their money to the public;  
 ‘ so that they would be obliged to reduce themselves  
 ‘ to live upon one half of what they at first propos-  
 ‘ ed, and every one knows how difficult it is to do  
 ‘ so, especially considering, that all sorts of provi-  
 ‘ sions are dearer than they formerly were.

‘ Then with respect to the landed gentlemen, the  
 ‘ reducing of interest so low, would certainly be a  
 ‘ great hardship upon them, for they would be obli-  
 ‘ ged to give each of their younger children, at  
 ‘ least 5 or 6000*l.* whereas when interest is at 5 or  
 ‘ 6 *per cent.* one half of that sum will enable them  
 ‘ to live in a handsome and genteel manner; so that  
 ‘ the reducing of interest so low, would lay all our  
 ‘ landed gentlemen under a necessity of ruining  
 ‘ their estates, or at least of mortgaging them very  
 ‘ deeply, in order to provide for their younger  
 ‘ children.

‘ And lastly, Sir, with respect to the trading part  
 ‘ of the nation; it is very well known, that every  
 ‘ branch of trade in the kingdom is already so over-  
 ‘ stocked, that it is almost impossible for one half  
 ‘ of our tradesmen to live by their business; and a  
 ‘ farther reduction of interest would drive so many  
 ‘ men into trade, that no man could propose to  
 ‘ live by any trade he could engage in.

‘ Even our borrowers of money, Sir, or gentle-  
 ‘ men who owe any money at interest, would be  
 ‘ reduced to great difficulties; for the profit to be got  
 ‘ by lending money, or by leaving money in any  
 ‘ man’s hand at interest, would be so small, that no



‘ man would think of employing, or leaving his  
‘ money employed, in that way ; this would of course  
‘ bring a general demand upon all those in the king-  
‘ dom, who owe any money at interest, and at the  
‘ same time, would render it impossible for them to  
‘ find any money for answering that demand. From  
‘ all which, I think it plainly appears, to be incon-  
‘ sistent with the public good of the nation, and  
‘ with the private good of every particular man in  
‘ the nation, to reduce the interest payable upon our  
‘ public funds, lower than it is at present.

‘ Whatever may be the consequence with respect  
‘ to ministers, I am very certain, Sir, it would be  
‘ an expedient of very bad consequence, with respect  
‘ to his present Majesty, to load his people  
‘ with taxes which they may think unnecessary ; for  
‘ the people will always pay voluntarily and freely  
‘ such taxes, as they think are absolutely necessary  
‘ for the support of the nation ; but it will always  
‘ raise disaffection to the King upon the throne, to  
‘ load the people with taxes, which they think un-  
‘ necessary at the time they are laid on. It is for  
‘ this reason, that in time of war, a government  
‘ may venture to subject the people to taxes, which  
‘ would raise terrible complaints and murmurings, if  
‘ they should be raised in time of peace ; and for  
‘ the same reason, I am of opinion, that we ought  
‘ rather to convert a part of the sinking fund to the  
‘ current service of the year, than to increase any  
‘ of our old taxes, or load the people with any new ;  
‘ for as there is at present no demand for paying off  
‘ any of our old debts, as none of the public credi-  
‘ tors desire to have their money, I am convinced,  
‘ the generality of the people would think it very  
‘ unnecessary, to load them with any new or addi-  
‘ tional tax, when they know we have such a fund,  
‘ to which we may have recourse for what may be  
‘ wanted, for making good the current service of

the year ; and therefore, we may presume, that the loading of them at present, with any new or additional tax, would raise a general disaffection to his present Majesty's person and government, and would consequently be a most pernicious expedient for his Majesty and his illustrious family.

It has been said, that by contracting a new debt, and creating a new fund for the current service of the year, the nation comes at last to be loaded with double the sum so raised, by means of the interest and expences of management, which they are obliged to pay yearly till the principal be paid off ; but I cannot admit of the justness of this calculation ; for, with respect to the expences of management, it is well known, that no new debt we have lately contracted, or can hereafter contract, has occasioned, or can occasion any great new expence ; because the fund for paying off that debt has always been committed to the offices already erected, so that it has occasioned no additional expence to the nation, but that of adding perhaps two or three under-clerks, to some of the offices before established : And as to the interest paid yearly by the nation, does not every private man save that interest yearly, or make as much by the share, which he must have contributed to that principal sum, in case it had been raised within the year : If every man in the nation should be obliged this year to contribute ten shillings towards the current service of the year, does not he lose the interest of that ten shillings for all years to come ; and if by borrowing a sum of money upon the public credit at 3 or 4 *per cent.* that ten shillings should be left in every private man's pocket ; may he not make every year 5 *per cent.* of that money so left in his pocket ? From whence it must be granted, that the contracting of a new debt at a low interest, instead of raising the money within the year, is

an

‘ an advantage rather than a loss to the nation in  
 ‘ general.

‘ As the forces necessary for the service of the  
 ‘ ensuing year both by sea and land, have been al-  
 ‘ ready agreed to, those forces must now be provi-  
 ‘ ded for some way or other ; and if the usual taxes  
 ‘ shall be found not sufficient for that purpose, every  
 ‘ one knows we have but three ways to make good  
 ‘ that deficiency : We must make it good either by  
 ‘ increasing some of our old taxes, or by laying on  
 ‘ some new taxes, or otherwise by taking so much  
 ‘ from the sinking fund, as will make good that  
 ‘ deficiency, or as will make a fund for raising a sum  
 ‘ sufficient to make good that deficiency : As for  
 ‘ the first method, I am of opinion, that none of our  
 ‘ old taxes will admit of any increase, except the  
 ‘ land-tax ; and, considering the heavy load that has  
 ‘ for so many years lain upon the landed gentlemen  
 ‘ of this kingdom, I must say, I am really surpriz-  
 ‘ ed, that they have so long allowed themselves to be  
 ‘ so loaded and oppressed by the trading interest ;  
 ‘ therefore for the sake of prudence, as well as jus-  
 ‘ tice, we ought not to think of increasing the land-  
 ‘ tax ; and I hope, in all our future measures, we  
 ‘ will take care to impose such taxes, as may fall  
 ‘ with an equal weight upon all subjects, in propor-  
 ‘ tion to their yearly revenues or profits, whether  
 ‘ those yearly revenues or profits proceed from land,  
 ‘ trade, or money.

‘ With respect to the second method, Sir, I must  
 ‘ say, that I wish with all my heart, that several of  
 ‘ the luxuries which have been lately introduced, or  
 ‘ very much increased, were taxed, or much more  
 ‘ heavily taxed than they are at present ; but I am  
 ‘ opinion, that it is a dangerous experiment to  
 ‘ lay on any new tax, in a time of profound peace,  
 ‘ even upon the luxuries of life ; especially as it is  
 ‘ generally known, that we have another fund to  
 ‘ which we may have recourse, without injuring in

' the least, the public credit of the nation, or laying  
 ' any additional load upon any rank or degree of  
 ' our people: And if we should venture upon any  
 ' such measure, I am of opinion, it would not be  
 ' proper to make use of any such tax, for the cur-  
 ' rent service of the year; because it is impossible  
 ' to guess, how much the produce of a new tax  
 ' will amount to, and I cannot think it would be  
 ' right, to appropriate an uncertain produce for the  
 ' payment of a certain sum; for it is well known,  
 ' that a great part of the debts we are now loaded  
 ' with, and of which some gentlemen take all occa-  
 ' sions to complain in the most grievous manner,  
 ' were occasioned by that very method of laying on  
 ' a new tax, the produce of which must always be  
 ' uncertain, and appropriating that uncertain produce  
 ' towards the payment of a certain sum; therefore,  
 ' if gentlemen have a mind to lay any new taxes  
 ' upon the luxuries of life, I shall not be against it;  
 ' but I hope they will order the whole produce to  
 ' remain in the *Exchequer*, in order to attend the fu-  
 ' ture disposition of Parliament; for before next  
 ' session, the amount of the produce of such new  
 ' tax will be known, or may be nearly guessed at,  
 ' and then it may safely be appropriated to the cur-  
 ' rent service of the then ensuing year; or may be  
 ' made a fund for answering the current service of  
 ' that year.

' Whether the usual taxes will be sufficient to an-  
 ' swer the services already voted, and the other ser-  
 ' vices that may be thought necessary for the ensuing  
 ' year, I shall not pretend to determine; but if they  
 ' are not, I think it is plain, that we must have re-  
 ' course to the sinking fund, as the most proper  
 ' method of providing for any deficiency: How-  
 ' ever, we are not at present to determine this ques-  
 ' tion absolutely; when gentlemen begin to consider  
 ' of ways and means, for raising the sums necessary  
 ' for the service of the ensuing year, they ought, and  
 ' they

‘ they certainly will, agree to raise them in that  
 ‘ manner, which shall appear to be the least burden-  
 ‘ some to the people; and therefore I think, it would  
 ‘ be very wrong in us, to restrain ourselves in the  
 ‘ manner proposed by the motion now before us;  
 ‘ but that we may be left altogether free to do in  
 ‘ this respect what we may think proper, when we  
 ‘ go into the committee of ways and means, I shall  
 ‘ propose that the previous question may be put,  
 ‘ with regard to the question now before us.’

To this it was replied in substance as follows,  
*viz.*

‘ It has been often observed, Sir, That new mea- Reply.  
 ‘ sures must always be supported by new doctrines,  
 ‘ and it may as justly be observed, that wrong mea-  
 ‘ sures must be supported by wrong or false doctrines.  
 ‘ This is the case, with respect to the question now  
 ‘ before us. The doctrines that have been advan-  
 ‘ ced in favour of that measure, against which the  
 ‘ present question is intended, are all so false and de-  
 ‘ ceitful, that the necessity of having recourse to  
 ‘ such doctrines, is a plain proof, that the measure  
 ‘ must be wrong. What influence our ministers  
 ‘ may think they have in the councils of foreign  
 ‘ powers, I shall not pretend to determine; but I  
 ‘ am sure it does not appear, that we have any great  
 ‘ influence, either from the advantages that have  
 ‘ been lately obtained in favour of this nation, or  
 ‘ from the late behaviour of some of our neighbours  
 ‘ towards our allies. I hope it will not be said, that  
 ‘ the courts of *Vienna* and *Madrid* had any great re-  
 ‘ gard for us, when they concluded that treaty of  
 ‘ *Vienna*, which produced the treaty of *Hanover*,  
 ‘ and made such a bustle in *Europe*; and I am sure  
 ‘ it cannot be said, that the courts of *Paris*, *Madrid*,  
 ‘ and *Turin*, shewed any great regard to us, when  
 ‘ they made that private alliance, by which they  
 ‘ parcelled



‘ parcelled out among them, our ally, the Emperor’s dominions in *Italy*; nor can it, I think, be  
 ‘ said, that the Emperor placed any great confidence in our assistance, when, in order to obtain a  
 ‘ peace, he agreed to yield up to *France* the whole  
 ‘ dutchy of *Lorraine*.

‘ I have not the honour, Sir, to be in the secret  
 ‘ of affairs, therefore, I must judge from public appearances, and from them it is to me evident, that  
 ‘ our influence has of late greatly decayed, and will  
 ‘ I am afraid, decay more and more: Foreigners,  
 ‘ Sir, know our circumstances better than we seem  
 ‘ to do ourselves: They know that now, after a  
 ‘ term of twenty years peace, our public debts are  
 ‘ very near as great, and our circumstances as bad,  
 ‘ as they were at the end of the last war: They  
 ‘ know, that by a land tax of two shillings in the  
 ‘ pound, we cannot provide for the yearly supplies  
 ‘ we think necessary, even in time of peace, without running ourselves into some new debt, to the  
 ‘ amount of 5 or 600,000*l.* yearly, or taking so  
 ‘ much from the sinking fund; and they know that  
 ‘ as the sinking fund we now have, arises wholly  
 ‘ from our consumptions being much greater in  
 ‘ time of peace, than in time of war, the greatest  
 ‘ part of it would be annihilated, in case we should  
 ‘ engage in a war; from all which, every foreigner  
 ‘ must conclude, and I should think every *English-*  
 ‘ *man* too, that, with four shillings in the pound  
 ‘ land-tax, we could not raise 500,000*l.* a year,  
 ‘ more than has been found necessary for supporting  
 ‘ our government in time of peace; and that therefore we could not support a war without loading  
 ‘ the people with a great many new and unheard of  
 ‘ taxes, or greatly increasing those we now have;  
 ‘ neither of which, I am afraid our people would  
 ‘ patiently submit to.

‘ Now,

‘ Now, Sir, give me leave to consider a little  
 ‘ those extraordinary doctrines I have heard advanced,  
 ‘ for the support of that measure, which the  
 ‘ opposing of this question seems to point at; and  
 ‘ indeed, to me they seem to be of the most extraordinary  
 ‘ kind: In the first place, we are told, that  
 ‘ it would not be possible for us, to reduce the interest  
 ‘ payable upon our old debts, even tho’ we should  
 ‘ never contract any new debt: This, Sir, is contrary  
 ‘ to one of the most established maxims, which  
 ‘ is, That the natural interest of money must always  
 ‘ depend upon the proportion there is in any particular  
 ‘ country, between the demand for borrowing  
 ‘ money at interest, and the demand for lending  
 ‘ money at interest; for as we have a sinking fund  
 ‘ capable of paying off a very large sum yearly,  
 ‘ if we never perverted any part of that fund  
 ‘ which is always the same with contracting a new  
 ‘ debt, we should be every year diminishing the  
 ‘ demand for borrowing, and increasing the demand  
 ‘ for lending; so that the natural interest of money,  
 ‘ would naturally and necessarily of itself decrease,  
 ‘ without any projects for that purpose.

‘ This I say, Sir, would of course happen in a  
 ‘ few years; but even at present, and as things now  
 ‘ stand, if no new debt were to be contracted, I do  
 ‘ not know but methods might be found for reducing  
 ‘ immediately the interest payable upon all our  
 ‘ funds, to three and a half, perhaps to 3 *per cent.*  
 ‘ what these methods may be, I shall not take upon  
 ‘ me to mention, because some gentlemen seem resolved,  
 ‘ that no proposition shall be received, except those  
 ‘ offered by themselves, or some of their friends. And to  
 ‘ frighten us from any such projects, we are told, that  
 ‘ foreigners would, in such case draw the money out  
 ‘ all at once, and drain us of all the current specie  
 ‘ in the kingdom; but to those who understand the  
 ‘ circumstances of *Europe*, and are apprised of the  
 ‘ lowness of interest  
 ‘ in

‘ in some countries, and the precariousness of the  
‘ security in others, this must appear to be a meer  
‘ bugbear.

‘ Besides, Sir, the thing would either be in itself  
‘ impossible, or it is an event we have no occasion to  
‘ be afraid of; for if foreigners should all at once  
‘ resolve to sell out, it would either run the price of  
‘ all our funds, a great deal below *par*, or it would  
‘ not; if it did, they would be obliged to suspend  
‘ their resolution, and take 3 *per cent.* rather than  
‘ sell out 100*l.* stock for 80 or 90*l.* in ready money;  
‘ and if their selling out did not run the price of  
‘ our stocks below *par*, we can have no occasion to  
‘ be afraid of any such resolution; because their sell-  
‘ ing out could not ruin our public credit, and the  
‘ ready specie they could carry out, would soon be  
‘ replaced by the general balance of our trade, if  
‘ we had no interest to pay yearly to them; for it  
‘ has been for many years, and while it continues,  
‘ it must always be a terrible drawback upon our  
‘ general balance of trade, to have a sum of 4 or  
‘ 500,000 *l.* sent yearly out of the nation, in order  
‘ to pay the interest due to them, every farthing of  
‘ which, is intirely lost to this nation; because the  
‘ whole is spent by them in their own countries, or  
‘ converted into principal here, in order to increase  
‘ their future yearly demand.

‘ Another doctrine, or rather paradox, advanced  
‘ against the question now before us, is, That the  
‘ reducing the interest of money in general, would  
‘ bring great difficulties upon all ranks of men in  
‘ the kingdom. This, Sir, is evidently contrary to  
‘ another established maxim, which is, That the  
‘ lower the interest of money is in any country, the  
‘ more rich and flourishing it must be in its trade  
‘ and commerce: I shall grant, that it would dimi-  
‘ nish the revenue of our public creditors, as well as  
‘ of all other money lenders, but it would not dimi-  
‘ nish their capital, and those that could not live  
‘ idly

‘ idly upon the interest of their money, would be  
 ‘ obliged to betake themselves to trade, or to some  
 ‘ other industrious employment, which might be an  
 ‘ advantage to themselves, and would be a certain  
 ‘ advantage to their country.’

‘ As to the landed gentlemen, I am surpris-  
 ‘ ed, Sir, to hear it said, that the reducing of  
 ‘ interest would be a hardship upon them, consi-  
 ‘ dering how many, I am afraid too many, of  
 ‘ them are, like their country, involved in debts  
 ‘ and mortgages. On the contrary, it would be  
 ‘ a great advantage to every landed gentleman  
 ‘ in the kingdom, because, besides reducing the  
 ‘ interest he is to pay for the debt he owes, if he  
 ‘ has any, it would greatly increase the value of his  
 ‘ lands, as well as of all the lands in the kingdom;  
 ‘ and as for his younger children, he would be un-  
 ‘ der no necessity to give them any greater fortunes  
 ‘ than before; but if he were, a charge, or a mort-  
 ‘ gage of 6000 *l.* at 3 *per cent.* is no greater burden  
 ‘ upon an estate, than a charge or mortgage of half  
 ‘ that sum at 6 *per cent.* interest; and if any part of  
 ‘ the estate were to be sold, for the raising of that  
 ‘ money, as the price of lands will always rise in  
 ‘ proportion as the interest of money falls, when mo-  
 ‘ ney comes to be at 3 *per cent.* interest, the same  
 ‘ parcel of land to be sold, will then fetch 6000 *l.*  
 ‘ which would have sold but for 3000 *l.* when money  
 ‘ was at 6 *per cent.* interest. I do not know what the  
 ‘ honourable gentleman means, by enabling younger  
 ‘ children to live in a handsome and genteel manner;  
 ‘ I suppose, he means in an idle and extravagant  
 ‘ manner; and the fewer there are of such persons  
 ‘ in any country, I am sure it is the better for the  
 ‘ country; which would be the consequence in the  
 ‘ present case; for as few gentlemen could propose,  
 ‘ that their younger children should live upon the  
 ‘ interest of the fortunes they could give them, they  
 ‘ would breed them all up to some trade or busi-  
 ‘ ness;

‘ nefs; so that, instead of a great number of idle,  
 ‘ and extravagant gentlemen, we should have a  
 ‘ great number of industrious and frugal trades-  
 ‘ men, or merchants; and which would be of  
 ‘ most advantage to the country, is very easy to  
 ‘ determine.

‘ It is, Sir, a very great mistake, to imagine that  
 ‘ there can be, in any country, too great a number  
 ‘ of merchants and tradesmen, or that any sort of  
 ‘ trade, which deserves the name, can be over-stock-  
 ‘ ed: The trade of shop-keeping, or any other sort  
 ‘ of business, which tends to support the luxury or  
 ‘ the vanity of a people, may, ’tis true, be over-  
 ‘ stocked; and it is always a disadvantage to the  
 ‘ people, to have too great a number of such among  
 ‘ them; but as for merchants, manufacturers, and  
 ‘ mechanics, there can never be too great a number  
 ‘ of them in any country; because the more there  
 ‘ are of them, the more foreign trade the nation will  
 ‘ have, the greater its exports will be, and the more  
 ‘ easy will it be for every particular man, if he be  
 ‘ industrious and frugal, to provide a support for  
 ‘ himself and family: This is justified, by experi-  
 ‘ ence, in all countries, and in all times; and there-  
 ‘ fore, among the many other misfortunes attending  
 ‘ our public funds, this may be reckoned as one,  
 ‘ that a great number of our people are thereby en-  
 ‘ abled to live idly upon the interest of their mo-  
 ‘ ney, which must necessarily diminish the num-  
 ‘ ber of our merchants, manufactures, and me-  
 ‘ chanics.

‘ To imagine, Sir, that the reducing of interest  
 ‘ to 3 *per cent.* would bring any distress upon those  
 ‘ who have occasion for money at interest, is some-  
 ‘ thing very new; for the more trade there is in a  
 ‘ country, the more money there will always be to  
 ‘ be lent at interest; and those who have more mo-  
 ‘ ney by them than they can make use of in their  
 ‘ trade, will always lend it upon good security, even

‘ at



‘ at 1 *per cent.* rather than run the risque of keeping  
 ‘ it in their own coffers: But, upon this occasion, I  
 ‘ cannot omit taking notice, that in this respect too,  
 ‘ our public funds are of great detriment to the trade  
 ‘ and private credit of the nation, because the mo-  
 ‘ nied men of the kingdom have so ready a way of  
 ‘ getting an interest for their money, by means of  
 ‘ these funds, that they never think of lending their  
 ‘ money to private men, but at an extravagant in-  
 ‘ terest or premium; by which means our private  
 ‘ credit, between man and man, is very much lef-  
 ‘ sened, and great sums of money drawn out of  
 ‘ trade, which, of consequence, must diminish the  
 ‘ trade of the nation, and is therefore a very strong  
 ‘ argument in favour of the question now before  
 ‘ us.

‘ The, people, Sir, never grudge the contributing  
 ‘ what is necessary for the support of their govern-  
 ‘ ment, in time of peace, no more than they grudge  
 ‘ what is necessary for the support of their govern-  
 ‘ ment, and the defence of their country, in time of  
 ‘ war: The only thing they grudge, is, to find the  
 ‘ nation loaded with an expence that is not necessa-  
 ‘ ry, or the money they contribute improperly ap-  
 ‘ plied; and though the perverting of the sinking  
 ‘ fund, or running the nation in debt, may prevent  
 ‘ the people of the present generation from being  
 ‘ sensible of an unnecessary expence, and consequen-  
 ‘ ly may prevent their inquiring too strictly into that  
 ‘ expence, or into the disposal of the public money;  
 ‘ yet such a measure will make the present expence  
 ‘ fall with double weight upon their posterity; and  
 ‘ when they find themselves obliged to submit to  
 ‘ heavy new taxes, because all the old stand engaged  
 ‘ for the payment of old debts, which will certainly  
 ‘ be the case, as soon as the nation comes to be en-  
 ‘ gaged in any war, they will then with reason com-  
 ‘ plain, that an insupportable load has been thrown  
 ‘ upon them for the sake of a small temporary ease  
 ‘ given

' given to their ancestors. This may very probably  
 ' raise a general disaffection to the present establish-  
 ' ment ; and it will be the more dangerous, because  
 ' it will happen at a time, when our enemies will cer-  
 ' tainly be in earnest about playing the Pretender  
 ' upon us. This consideration must, in my opini-  
 ' on, have great weight with every gentleman, who  
 ' has a sincere regard for the illustrious family now  
 ' upon the throne, and especially for that royal  
 ' Prince, who, 'tis to be hoped, will one day sway  
 ' the scepter of this kingdom ; for by thus pervert-  
 ' ing the sinking fund, or running the nation into  
 ' new incumbrances, even in time of peace, he may  
 ' be left in such distress, as not to have it any way  
 ' in his power to support the government with any  
 ' lustre, or to vindicate the rights of the nation with  
 ' any vigour.

' That no great and new office or officer has late-  
 ' ly been created, may be true ; but, Sir, we know  
 ' that a very great and a very grievous office, and a  
 ' great number of officers, were lately revived, in  
 ' pursuance of the same sort of measures which seem  
 ' now to be pointed at ; and we likewise know,  
 ' that the collecting of our taxes, and the managing  
 ' of our funds, cost the nation a most prodigious  
 ' sum of money yearly, a much greater sum, I be-  
 ' lieve, than is necessary for that purpose ; for if a  
 ' narrow scrutiny were made into that affair, I am  
 ' convinced it would be found, that the business of  
 ' two or three offices might be managed by one ;  
 ' without employing a greater number of officers and  
 ' clerks in that one, than is now employed in any  
 ' one of the three ; so that several offices, and a great  
 ' number of officers and clerks might be laid aside,  
 ' by which a very large sum of money might be sa-  
 ' ved yearly to the public. This would contribute  
 ' greatly towards preventing our being obliged to  
 ' load the people with new or additional taxes, or  
 ' to run the nation in debt, by creating new funds,

or

‘ or perverting the old ; and this the people would  
 ‘ certainly insist on, if they were every year made  
 ‘ sensible of the sums necessary for the public service ;  
 ‘ but this, it may be presumed, will always be  
 ‘ avoided as much as possible, by those who have the  
 ‘ disposal of such lucrative posts and employments ;  
 ‘ and therefore they will always endeavour to prevent  
 ‘ the people’s being made sensible of the great sums  
 ‘ yearly granted for the public service.

‘ Another doctrine has been hinted at, on occa-  
 ‘ sion of this debate, which is still more extraor-  
 ‘ dinary than any of the former. It has been insinu-  
 ‘ ated, as if it were an advantage to the people to  
 ‘ run the nation in debt yearly, rather than raise the  
 ‘ sums necessary for the service of each year within  
 ‘ the year ; because, say they, the money is thereby  
 ‘ saved in every private man’s pocket, of which he  
 ‘ may, as long as he keeps it in his own possession,  
 ‘ make an interest or a profit of it of 5 per cent.  
 ‘ perhaps more ; whereas the public may borrow at  
 ‘ 3 per cent. or 4 at most ; and from the same way  
 ‘ of reasoning, I say, it may be argued, that it will  
 ‘ be an advantage to the people to run the nation  
 ‘ every year into some new debt, and never pay off  
 ‘ one shilling of the old : But do not we know, Sir,  
 ‘ that in this country, and in all countries, people  
 ‘ look upon the public taxes as a part of their year-  
 ‘ ly expence ; when those taxes are high, every man  
 ‘ must contract his yearly expence in other articles ;  
 ‘ and when the public taxes are low, every man may,  
 ‘ and generally does, launch out a little into expen-  
 ‘ ces upon other articles, which he would otherwise  
 ‘ have saved ; so that if, by borrowing a sum of  
 ‘ money upon the public credit, for the service of  
 ‘ this year, we should prevent our being under a ne-  
 ‘ cessity of imposing a tax of ten shillings upon every  
 ‘ man in the kingdom, that ten shillings would not  
 ‘ be saved, and laid out at interest by any man in  
 ‘ the kingdom, at least not by any man, I believe,

' with a view to answer his share of the principal  
 ' and interest of that sum that had been borrowed  
 ' by the public: No, Sir, every man would live in  
 ' his usual way, as if no such ten shillings had been,  
 ' or were ever to be paid; no man would contract  
 ' his usual annual expence, on account of his share  
 ' of that sum borrowed by the public; so that the  
 ' sum so borrowed by the public, and the interest  
 ' thereof, would remain a charge upon every man's  
 ' posterity, without their having any thing left them  
 ' by their ancestor for answering that charge: Even  
 ' the posterity of the most frugal man in the king-  
 ' dom, would not be one shilling the richer, on ac-  
 ' count of that ten shillings which was saved in the  
 ' pocket of their ancestor; because the most frugal  
 ' man in the kingdom might have saved ten shil-  
 ' lings of his yearly expence in any one year, and  
 ' would certainly have saved it, if he had found  
 ' himself under a necessity of paying a tax of ten  
 ' shillings to the public.

' Sir, we have seen, of late years, several at-  
 ' tempts made to throw a division, and to breed a  
 ' dissention between the landed interest and the tra-  
 ' ding interest of this nation; but such attempts will,  
 ' I hope, always prove fruitless and vain; for their  
 ' interests are inseparable, and will always be thought  
 ' so by every man who has a respect for either:  
 ' There is not a landed gentleman of any sense in  
 ' the kingdom but knows, how greatly the rents of  
 ' his estate would be diminished, if our trade should  
 ' be undone; and therefore he will never consent to  
 ' the throwing any unnecessary burden upon it:  
 ' There is not a trading man in the kingdom, of  
 ' any consequence, but has a view to settle himself  
 ' or his posterity in a land estate, and therefore he  
 ' will never agree to the throwing any unnecessary  
 ' burdens upon land: But, Sir, there has been late-  
 ' ly a third interest reared up in this kingdom, which  
 ' I will say, is not only separable from, but incon-  
 ' sistent



' sistent with both: I mean, Sir, the interest of  
 ' those concerned in our public funds: This is an  
 ' interest, for the support of which both our landed  
 ' interest and our trading interest, are now greatly  
 ' distressed; and it is an interest, which some gen-  
 ' tlemen seem to have a much greater regard for,  
 ' than they have for either of the other two: Such  
 ' gentlemen will, I believe, always be for creating  
 ' new funds, as long as we have any thing left un-  
 ' mortgaged, or any thing upon which a new or ad-  
 ' ditional tax can be laid; because the creating of  
 ' new funds, will always increase that interest which  
 ' they seem to have so much at heart; and will pre-  
 ' vent its being ever in our power to diminish those  
 ' annuities, which we are obliged to pay them; but  
 ' such gentlemen ought to consider, that the number  
 ' of men, concerned in our landed and trading inte-  
 ' rest, must always be much greater than the num-  
 ' ber of those concerned in our funds; so that if the  
 ' people should ever come to find, that either our  
 ' landed interest and our trading interest must be  
 ' destroyed, or our public fund interest annihilated,  
 ' it is easy to see upon whom the ruin must fall;  
 ' and therefore, if those gentlemen consider right,  
 ' they must conclude, that it is against the interest  
 ' of the proprietors of our funds, to make any ad-  
 ' ditions to them, or to divert that money which is  
 ' appropriated and ought to be applied yearly to the  
 ' diminishing of them.

' Whether or no it may be necessary to impose  
 ' any new taxes, I shall not now pretend to deter-  
 ' mine; I hope not; but if it should be found ne-  
 ' cessary, the produce of a new tax may be appro-  
 ' priated to the current service, as well as the pro-  
 ' duce of an old; because if any deficiency should  
 ' happen, it may be made good out of the grants  
 ' of the succeeding year: It not only may, but ought  
 ' to be made good in the very next succeeding year;  
 ' for our present debts did not proceed from appro-



' priating the produce of any new tax, but from not  
 ' taking care to make good, in every succeeding  
 ' year, the deficiencies which had happened in the  
 ' grants for the service of the former. We all  
 ' know, Sir, how dangerous it is to have money  
 ' lying in the *Exchequer* unappropriated; we know  
 ' what a temptation it is for some gentlemen to form  
 ' extravagant projects, and to put the nation to a  
 ' needless expence: Nay, we know how apt some  
 ' gentlemen are to break through the most strict and  
 ' the most necessary appropriations, in cases where  
 ' there is not an immediate absolute necessity to ap-  
 ' ply the sums so appropriated to the uses for which  
 ' they were originally designed; and our experience  
 ' in this particular, is one of the chief reasons, and  
 ' one of the strongest arguments for the question now  
 ' before us; therefore, if we agree to the laying on  
 ' of any new tax, I hope it will be immediately ap-  
 ' propriated to the service of the ensuing year.

' The very question now before us, is, whether  
 ' we ought to lay a restraint upon ourselves, with  
 ' respect to the contracting of any new debt, or di-  
 ' verting the sinking fund from that use for which  
 ' it was originally designed, and to which it stands  
 ' appropriated by the express words of those acts of  
 ' Parliament by which it was established? The re-  
 ' straint now proposed is only for this session; but  
 ' I wish the restraint were for all sessions to come;  
 ' and I am sure, if we have any regard for our po-  
 ' sterity, if we have any regard for the present il-  
 ' lustrious family, if we have any regard for the fu-  
 ' ture happiness, I may say preservation, of the na-  
 ' tion, we will, at least for this session, act as if we  
 ' were under such a restraint; therefore there can be  
 ' no harm in laying ourselves under any such; and  
 ' there is the more occasion for it, because of the  
 ' frequent deviations we have lately made from this  
 ' necessary rule, and because of the bad use that  
 ' may be made of some late precedents; for if a  
 ' check

‘ check be not speedily put to such measures, as all  
 ‘ administrations are but fleeting things, we may ex-  
 ‘ pect that every administration will endeavour to  
 ‘ make themselves easy, and to put off the evil day  
 ‘ as long as they can, by contracting some new debt  
 ‘ every year, and mortgaging some part of the sink-  
 ‘ ing fund, as long as there is a shilling of it left :  
 ‘ As we have at present a pretty considerable sinking  
 ‘ fund, this measure may perhaps support the pre-  
 ‘ sent administration, as long as it can well be sup-  
 ‘ posed to last, especially if no war happens in the  
 ‘ mean time ; but sad and melancholy will the rec-  
 ‘ koning certainly come to be at last, when we find  
 ‘ ourselves engaged in a dangerous and expensive  
 ‘ war, our people loaded with as heavy taxes as they  
 ‘ can possibly bear, and all those taxes mortgaged  
 ‘ for the payment of debts, except just as much as  
 ‘ may be sufficient for the support of our civil go-  
 ‘ vernment. This prospect, Sir, gives me a most  
 ‘ terrible alarm ; and therefore, I am most heartily  
 ‘ for the question now before us.’

The debate being ended, the previous question Question.  
 was put, *viz.* That that question be now put, which  
 was carried in the negative without any division.

The chief speakers for the question were *Samuel* Speakers.  
*Sandys, Esq;* *Sir John Barnard*, and *Mr. Alderman*  
*Willimot* ; and the chief speakers against it were *Sir*  
*William Yonge, Thomas Winnington, Esq;* *Sir Robert*  
*Walpole*, and *Mr. Alderman Heathcote*.

The same day, the house according to order, re- Malt tax  
laid on.  
 solved itself into a Committee, to consider of ways  
 and means to raise the supply granted to his Majesty,  
 and resolved, ‘ That towards the raising the said  
 ‘ supply, the duties on malt, mum, cyder and perry,  
 ‘ which by an act of Parliament of the 8th year of  
 ‘ his Majesty’s reign, had continuance to the 24th  
 ‘ day

‘ day of *June*, 1736, should be farther continued  
 ‘ and charged upon all malt, which should be made,  
 ‘ and all mum which should be made or imported,  
 ‘ and all cyder and perry which should be made for  
 ‘ sale, within the kingdom of *Great-Britain*, from  
 ‘ the 25th day of *June*, 1736, to the 24th of *June*,  
 ‘ 1737;’ which resolution was next day agreed to  
 by the house, and a bill ordered to be brought in,  
 which was accordingly afterwards brought in and  
 passed as usual.

Grants for  
the supply.

ON *Wednesday* the 4th of *February*, the house  
 according to order, resolved itself again into  
 a Committee, to consider of the supply granted to  
 his Majesty, and resolved, ‘ That a sum not exceed-  
 ‘ ing 79,760 *l.* 3 *s.* 9 *d.* should be granted to his  
 ‘ Majesty for the charge of the office of ordnance  
 ‘ for land-service for the year 1736, and that a sum  
 ‘ not exceeding 4590 *l.* 13 *s.* 8 *d.* should be granted  
 ‘ to his Majesty, for defraying the extraordinary  
 ‘ expence of the office of ordnance for land-service,  
 ‘ not provided for by Parliament.’

Account of  
duties in the  
*West-Indies.*

ON the 6th, the house resolved, ‘ That an  
 ‘ humble address should be presented to his  
 ‘ Majesty, that he would be graciously pleased to  
 ‘ give directions, to the proper officer or officers, to  
 ‘ lay before the house, the following account,’  
 which was accordingly laid before the house on the  
 25th of the same month, and was as follows, *viz.*

An

*An account of what duties or impositions are now payable by any act or acts of assembly, in any of the British Plantations in America, on the importation and exportation of negroes, wines, or other kind of liquors, or on any goods, wares, or merchandize, and shipping, distinguishing each duty or imposition, and each colony and plantation.*

## B A R B A D O E S.

By an act passed in 1663.

An impost of  $4\frac{1}{2}$  per cent. is laid on all dead commodities of the growth of this island, shipped off the same, payable in specie for ever.

By an act passed in 1697.

A duty of one pound of gunpowder per ton, is laid on all ships entering there.

Perpetual.

By an act passed in 1705.

A duty of 5s. a head is laid upon every negro or other slave imported.

An act passed in 1715.

Lays a tax of 20l. upon every horse or ass exported.

By an act passed in 1715.

The following duties are imposed on goods imported, that are not of the growth of the *British* colonies.

	l.	s.	d.
On every cwt. of <i>Muscovado</i> sugar ———	0	12	6
— imported sugar ———	1	5	0
Gallon of molasses ———	0	1	6
— rum ———	0	2	0
Y 4			Pound

			<i>l.</i>	<i>s.</i>	<i>d.</i>
Pound of cotton	—	—	0	0	6
— Aloes	—	—	0	1	6
Cwt. of scraped ginger	—	—	1	0	0
— scalded ditto	—	—	0	10	0

It appears by an account received from Mr. *Dottin*, president of the council, and commander in chief of this island, that in 1735, there was by virtue of an act of the island, the following duties paid upon the importation of liquors not of the growth of *Europe*, imported in *British* shipping.

			<i>l.</i>	<i>s.</i>	<i>d.</i>
On every pipe of wine	—	—	4	10	0
— ton of mum	—	—	2	15	0
— ton of beer, ale, cyder, or perry	—	—	1	5	0
— gallon of brandy or other spirits	—	—	0	1	0
— 12 quart bottles of any wine	—	—	0	2	0
— of beer, ale, cyder, or perry	—	—	0	1	0
— of mum	—	—	0	1	9

But the act for this purpose has not been transmitted to the plantation-office.

### St. CHRISTOPHERS.

By an act passed in 1727.

An impost of  $4\frac{1}{2}$  per cent. is laid upon all commodities of the growth of the island, shipped off the same, and payable in specie for ever.

By an act passed in 1732.

Every ship entering there, shall pay half a pound of gunpowder, and one shilling current money per ton.

And a fuzil or 30s. current money for every 100 tons, and 4d. current money for every ton under or over every hundred tons, besides the powder duty.

By



By an act passed in 1722 ; and by another act passed  
in 1732.

The following imposts on liquors are collected.

Current money.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every pipe of <i>Madeira</i> wine imported	2	0	0
— pipe of the <i>Western Islands</i> or	}	3	0
mixt with it			
— ton of <i>French, Rhenish, or Spanish</i>	5	0	0
— ton of beer	2	0	0
— dozen bottles of wine	0	1	6
— gallon of rum	0	2	6
— of brandy	0	1	0
— of mum	0	0	6
Beer, ale, and cyder, every 12 bottles	0	1	6

### A N T I G U A.

By an act passed in 1668.

An impost of  $4\frac{1}{2}$  per cent. is laid in species on commodities of the growth of the island exported.

Perpetual.

By an act passed in 1676.

Every vessel entering there, is to pay one pound of gunpowder per ton.

By an act passed in 1697.

An impost is laid on all liquors imported.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>Madeira</i> wine per pipe	2	0	0
Of the <i>Western Islands</i> , or mixt there- with, per pipe	}	4	0
<i>French, Rhenish, or Spanish</i> , per ton			
— and if bottled, per dozen	0	2	0
Beer, ale, and cyder, per ton	2	0	0
— if bottled, per dozen	0	1	0

Every

			<i>l.</i>	<i>s.</i>	<i>d.</i>
Every gallon of rum	—	—	0	0	4
— of brandy	—	—	0	2	6
— of rum	—	—	0	2	0
Half the duty to be drawn back on re-exportation.					

By an act passed in 1721.

Goods of the produce of the *French* islands imported to *Antigua*, pay as follows.

			<i>l.</i>	<i>s.</i>	<i>d.</i>
Every pound of refined sugar	—	—	0	0	9
— cwt. of strained or <i>Muscovado</i> sugar	—	—	0	5	0
— of lump or powdered sugar	—	—	0	0	4½
Molasses per gallon	—	—	0	0	6
Cotton per pound	—	—	0	0	6
Ginger per cwt.	—	—	0	5	0

By an act passed in 1726-7.

An additional duty of 20 *s.* per pipe is laid on all *Madeira* wine.

### N E V I S.

By an act passed in 1675.

An impost of 4½ per cent. is laid in specie on all the commodities of the growth of the island exported.

Perpetual.

By an act passed in 1699.

A duty of one pound of pistol powder per ton, is laid on every vessel entering and staying 48 hours.

And one fuzil for every 100 tons.

By another act passed in 1699.

A duty or impost is laid

			<i>l.</i>	<i>s.</i>	<i>d.</i>
On every gallon of rum imported	—	—	0	2	0
— of molasses imported	—	—	0	0	4

By

By an act passed in 1717.

The following commodities of the produce of the *French* islands, imported into *Nevis*, or re-shipped or removed from one ship to another in the harbours there, shall pay

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Every cwt. of white sugar	—	0	10 0
— brown, ditto	—	0	6 0
Every gallon of rum	—	0	6 0
— of molasses	—	0	1 0

By an act passed in 1725.

An impost is laid

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every pipe of <i>Madeira</i> wine imported	2	0	0
— of the <i>Western</i> islands or mixt therewith	4	0	0
On every ton of <i>French, Rbenish, Spanish,</i>	3	8	0 0
<i>Italian, and Canary</i>			
— if bottled, <i>per dozen</i>	0	2	0
— of beer, ale, and cyder in cask	2	0	0
— if bottled, <i>per dozen quarts</i>	0	1	0
— of rum	0	3	0

This act was to expire in 1728, but is supposed to have been since continued by subsequent acts, because it appears by the treasurer's account in 1735. that such duties were then collected; but the act for continuing the same, has not been transmitted to the board of trade.

### M O N T S E R R A T.

By an act passed in 1668.

An impost of  $4\frac{1}{2}$  *per cent.* is laid in specie on the commodities of the growth of this island exported.

Perpetual.

By

By an act passed in 1734.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Upon every pipe of wine imported —	2	0	0
— ton of beer — — — —	2	0	0
— 12 bottles of beer — — — —	0	1	0
— barrel of cyder — — — —	0	2	6

### 7 A M A I C A.

By an act passed in 1728.

Perpetual.

The following duties or imposts are laid ;

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every ton of <i>Spanish</i> , or <i>Madeira</i> wine	6	0	0
— of the <i>Western</i> islands or <i>Azores</i> , or mixt therewith — } 12	0	0	0
— <i>French</i> , <i>Rhenish</i> , or <i>Portugal</i> —	5	0	0
— gallon of brandy, arrack or other spirits — — — — } 0	1	6	0
— ton of beer, ale, or cyder — — — —	2	0	0
— of mum or metheglin — — — —	3	0	0
— cwt. of ginger — — — —	0	15	0
— of <i>Muscovado</i> or <i>Panneel</i> sugar —	0	3	0
— pound of refined sugar — — — —	0	0	6
— of tobacco — — — —	0	0	4
— of indico — — — —	0	0	3
— of cotton — — — —	0	0	3
— cwt. of cocoa in vessels belonging to the island — — — — } 0	15	0	0
— in any other vessel — — — —	1	0	0

All vessels entering inwards from any place to the northward of the tropic of *Cancer*, one pound of gunpowder *per* ton each voyage.

All vessels trading only to the southward of the tropic of *Cancer*, one pound of gunpowder *per* ton *per annum*.

By

By temporary acts passed in 1734, and 1735.

An impost is laid on every slave imported, of 1 l. payable by the purchaser.

## B A H A M A S.

By an act passed in 1734.

The following duties are collected.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Every negro imported directly from } <i>Africa</i> _____	0	6	0
_____ if imported from any colony in } <i>America</i> , having resided there	3	0	0
6 months and upwards			
_____ if not resided there 6 months, } then but _____	0	6	0
_____ Pipe of wine of the <i>Madeira</i> or } western islands _____	1	4	0
Beer and cyder, <i>per</i> barrel _____	0	1	6
All ships and vessels not built in those } islands, that shall arrive there, or depart } from thence, and shall put on shore, or } or take on board goods, shall pay <i>per</i> } ton each voyage _____	0	1	6

## Duties on goods exported.

On every bushel of salt _____	0	0	1
_____ 100 Foot of one inch plank _____	0	1	6
All plank thicker or thinner, to } pay in proportion.			
_____ 100 feet of timber _____	0	6	0
_____ Tortoise _____	0	0	9

## B E R M U D A.

By an act passed in 1690, or 1691.

And two additional acts to it passed in 1703, and 1723.

Every



Every vessel belonging to the island un- der 40 tons, shall pay each voyage	} l. s. d.
— If above 40 tons — — —	0 2 0
Vessels belonging to strangers to pay each voyage per ton	} 0 4 0
	0 2 0

By an act passed in 1698.

An impost is laid on all liquors, imported by strangers, not inhabitants there, viz.

For a hoghead of rum, or spirits not ex- ceeding 80 gallons — — —	} l. s. d.
	1 10 0

And all other casks in proportion.

For every sort of wine, cyder, beer, ale, and  
mum, imported by a stranger, not inhabitant, viz.

Every pipe of wine — — —	l. s. d.
Other cask or bottles in proportion.	3 0 0
Beer, ale, cyder, and mum per hoghead	0 6 0
Other cask or bottles in proportion.	

N. B. *The following list of duties is computed in Carolina money, which is about 700 per cent. worse than sterling.*

### SOUTH-CAROLINA.

By an act passed in 1722-3.

And continued by another, passed in 1731.

The following duties of impost are raised;

On every pipe of Madeira wine — — —	l. s. d.
— — — — —	6 0 0
— — — — —	10 0 0
On every gallon of vinegar — — —	0 0 2
— — — — —	0 0 4
	0

		l.	s.	d.
On every barrel of beef	— —	0	10	0
— Of cyder from northern colonies	—	0	10	0
— Gallon of molasses	— —	0	0	3
— Of lime-juice	— —	0	0	6
— Quart bottle of brandy, or rosa solis	—	0	0	6
— Gallon ditto, in cask	— —	0	2	0
— Cwt. of brown-sugar	— —	0	2	6
— White sugar	— —	0	5	0
— Pound of refined sugar	— —	0	0	3
— Cwt. of cocoa	— —	0	15	0
— Pound of chocolate	— —	0	1	0
— Cwt. of tobacco	— —	0	15	0
— Cwt. of butter	— —	0	10	0
— Cheese	— —	0	5	0
— Candles	— —	0	10	0
— Tallow	— —	0	7	0
— Salt-fish	— —	0	5	0
— Barrel of herrings, mackrel, or o- ther pickled fish	— — } — —	0	10	0
— Train oil	— —	0	7	6
— Blubber	— —	0	5	0
— Pork	— —	1	10	0
— Cranberries	— —	0	10	0
— Cwt. of beef	— —	0	10	0
— Of brown bisket	— —	0	1	3
— Of white ditto	— —	0	2	6
— Middling bisket	— —	0	2	0
— Half barrel of flower	— —	0	2	6
— Cwt. of hams and bacon	— —	1	0	0
— Soap	— —	1	0	0

On timber, plank, boards, staves, shingles, or  
any other lumber from other plantations, 20 l.  
per cent.

All other wooden ware, 5 l. per cent.

		l.	s.	d.
On every 1000 of bricks from other plantations	— — } — —	0	2	6

On

l. s. d.

On every horse and mare, under 15 hands high	} 10	0	0
On all negro slaves directly from Africa or any other place, except Spanish negroes, if above 10 years of age	} 10	0	0
All negroes under 10 years of age (Sucklings excepted)	} 5	0	0
On all Indians imported	50	0	0
Deer skins, per skin	0	0	6
On every barrel of pitch and tar	1	0	0
Cwt. of scraped ginger	0	10	0
Of scalded ginger	0	2	6
Kegg of pickled sturgeon	0	2	6
Of ditto salmon	0	2	6
Pound of preserves, sweetmeats and suckads	} 0	0	3
Of sperma-ceti	0	2	6
Gallon of ditto oil	0	2	6
Cwt. of bees-wax	0	7	6
Bushel of peas, and Indian corn of Michaelmas, 1723.	} 0	1	0
Pound of indico	0	1	0
Barrel of onions	0	10	0
Of apples or pears	0	2	6
Pound wt. of whalebone	0	1	0
Of beaver	0	0	6
Dozen of otter, fox, cat, or racoon skins	} 0	1	0
Cwt. of piemento	0	5	0
Ton of logwood	0	10	0

All *European* goods one *per cent.* on their prime cost from *Europe*, rating the difference of exchange at 400 *per cent.* in the current money of *Carolina*.

Goods sold or moved from one ship to another in the province, to pay the same duties as if landed, and be intitled to the same drawbacks.

Duties

## Duties to be paid on goods exported.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every pound of tanned leather —	0	0	2
— tanned calf or deer skin —	0	1	0
— raw hide —	0	5	0
On every <i>Indian</i> drest deer skin, a } pound and upwards —	0	0	6
— under a pound —	0	0	3
— raw deer skin —	0	0	6

## Goods imported.

On every negro above ten years old } from <i>America</i> —	50	0	0
— under ten years old —	5	0	0
Except new negroes who had not been six months on shore in <i>America</i> .			
On every <i>Spanish</i> negro, <i>Indian</i> , <i>Mu-</i> } <i>stee</i> , or <i>Mullatto</i> per head —	150	0	0

All goods re-exported in six months after imported, shall be allowed a drawback of three fourth parts of the duty paid on importation.

By an act passed in 1734.

The farther additional duties are raised in the nature of port duties for fortifying *Charles-Town*.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every pipe of <i>Madeira</i> wine —	4	0	0
— gallon of rum —	0	0	5
— of molasses —	0	0	2
— barrel of flower —	0	2	6
— cwt. of <i>Muscovado</i> sugar —	0	2	6
— clayed sugar —	0	5	0

## G E O R G I A.

There has hitherto been no act passed for laying duties of importation or exportation in this province.

## N O R T H - C A R O L I N A.

There are no laws of this province in the Plantation-office, laying duties of importation or exportation.

## V I R G I N I A.

By an act passed in 1680.  
Lays an impost on all tobacco exported.

		Perpetual.
		Sterling.
		<i>l. s. d.</i>
On every hoghead	—	0 2 0
The same for every 500 lb. wt. exported in bulk, and proportionable for a greater or lesser quantity.		
Lays also a tonnage duty.		

		Sterling.
		<i>l. s. d.</i>
Of 1 half lb. of gunpowder, and 3 lb. shot <i>per</i> ton, or	—	0 1 3
And 6 <i>d.</i> <i>per</i> poll for every person imported, except mariners	—	0 0 6

By an act passed in 1705.

An impost is laid on the following goods, exported for the use of the college erected in that colony, *viz.*

		Sterling.
		<i>l. s. d.</i>
On every raw hide exported	—	0 0 3
— tanned ditto	—	0 0 6
— drest buck skin	—	0 0 1 $\frac{1}{4}$
		On



		l.	s.	d.
On every undrest ditto	_____	0	0	1
— drest doe skin	_____	0	0	1½
— undrest ditto	_____	0	0	0¼
— pound of beaver	_____	0	0	3
— otter skin	_____	0	0	2
— wild cat skin	_____	0	0	1½
— minx skin	_____	0	0	1
— fox skin	_____	0	0	1½
— 12 racoon skins	_____	0	0	3
— 12 musk rat	_____	0	0	2
— every elk skin	_____	0	0	4½

An act passed in 1726.

Lays a duty on liquors imported, part expired; but by that part of it still in force.

Sterling.

l. s. d.

Every gallon of rum, brandy, and  
other distilled spirits imported, and  
every gallon of wine, pay until the  
year 1737 } 0 0 1

By an act passed in 1732.

Every gallon of rum, brandy, and  
other distilled spirits, and every gal-  
lon of wine shall pay } 0 0 3

Except such liquors as are imported directly from  
Great-Britain.

# M A R Y L A N D.

By an act passed in 1704.

A duty of 2 s. per hoghead is laid on all tobacco exported, half to the proprietor, and half to the governor.

By another act passed in 1704.

All persons not being inhabitants in the province,  
and exporting beef, pork or bacon, shall pay

Z 2

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For dried beef and bacon, <i>per</i> cwt. —	0	1	0
— undried pork and beef, <i>per</i> barrel	0	1	0

By an act passed in 1704.

A duty of 3*d.* *per* ton is laid upon the tonnage of all ships entering that province, except such as, *bona fide*, were built in, or belong to the people of that province.

By an act passed in 1715.

A duty is laid on the following goods imported, *viz.*

	Sterling.
On every gallon of rum, spirits, wine } and brandy, imported by land — }	0 0 9
— by water — — — — —	0 0 3
— every <i>Irish</i> servant imported — — — — —	0 1 0
— negro — — — — —	0 1 0

The government of this province is in a proprietor, who is not obliged, by his charter, to transmit to the crown such laws as are passed there for approbation or disallowance; but the proprietor being a *Roman Catholic* in 1689, King *William* and Queen *Mary* took the province under their protection, and appointed a governor, and Queen *Anne* did the same; and during that time, the laws of the province were transmitted for approbation, among which the foregoing are found.

## P E N S Y L V A N I A.

It is a proprietary government, and there are no acts of this province transmitted to the *Plantation-office*, laying duties of importation or exportation.

N E W

## NEW JERSEY.

By an act passed in 1725.

A duty is laid on the following goods exported.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every bushel of wheat or wheat-meal unbolted	0	1	0
— 1000 staves of 35 inches long, or under	0	15	0
— if above 35, and under 46 inches long	1	0	0
— above 45, and under 56	1	10	0
— 56 inches long and upwards	2	0	0
— 1000 of heading, of any sort	1	10	0
— bolt that staves or heading can be made of	0	0	9

By an act passed in 1730.

Lays a duty on the importation of every person convicted of murder, felony, &c.

} 5 0 0

By an act passed in 1733.

A duty of forty shillings *per* ton is laid on all copper exported to any other plantation.

## NEW YORK.

By an act passed in 1732.

A duty is laid on the importation.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
On every slave four years old and upwards, directly from <i>Africa</i> —	2	0	0
— from all other places	4	0	0
— pipe of wine	2	5	0
— gallon of rum, brandy, or other distilled liquor, or shrub	0	0	2½
Z 3			On

l. s. d.

On every gallon of rum or spirits distilled in the province, wholly or in part from molasses	}	0	0	2½
— 100 <i>l.</i> value of <i>European</i> or <i>India</i> goods, imported from the <i>British</i> islands in the <i>West-Indies</i>	}	5	0	0
— cwt. of cocoa		0	4	0

By an act passed in 1732.

A duty is laid on every piece of strouds fold at <i>Oswego</i>	}	0	10	0
On every gallon of rum		0	1	0

By an act passed in 1734.

A duty of 3*s.* current money *per* ton, is laid on all vessels entering in, or clearing out, except vessels built in the colony, or wholly owned by the inhabitants thereof, or the inhabitants of *Great-Britain* and coasting vessels between cape *Henlopen* and *New Hampshire* inclusive, and whaling vessels.

By another act passed in 1734.

A duty is laid on empty cask imported.

		l.	s.	d.
On every empty hoghead	—	0	1	6
— light tevice	—	0	1	0
— barrel or smaller cask	—	0	0	9
— flower or bread barrel	—	0	1	0
— flower or bread half barrel	—	0	0	7½

By an act passed in 1734.

l. s. d.

A duty is laid on every barrel of cyder imported	}	0	1	0
— on every barrel of pork	—	0	3	0
— on every barrel of beef	—	0	2	0
with an exemption in favour of cyder, pork and beef from <i>New Jersey</i> .				

M A S.

## MASSACHUSETTS.

By an act passed in 1734.

The following duties were laid on goods and merchandize imported, and on the tonnage of shipping, viz.

			l.	s.	d.
On every pipe of wine from the <i>West- ern</i> islands	_____	_____	1	10	0
— the <i>Canaries</i>	_____	_____	2	5	0
— <i>Madeira</i>	_____	_____	1	15	0
— and all other sorts	_____	_____	1	15	0
— hoghead of rum	_____	_____	1	10	0
— sugar	_____	_____	0	2	0
— molasses	_____	_____	0	1	0
— tobacco	_____	_____	1	15	0
— ton of logwood	_____	_____	0	3	0

On all other goods 3*d.* on every 20*s.* value.

All goods imported from *Great-Britain* excepted.

All molasses and rum belonging to foreigners, shall pay

			l.	s.	d.
For every hoghead of molasses	_____	_____	0	5	0
— of rum	_____	_____	6	0	0

All such liquors or goods, imported from any other place than of their growth, shall pay double.

Every vessel coming to trade in this province (except ships all owned in the province, or belonging to *Great-Britain*, or to *Pensylvania*, *New Jersey*, *New York*, *Connecticut*, *Rhode-Island*, or *New Hampshire*) shall pay each voyage five shillings per ton, or one pound of good new pistol powder for every ton burden, saving for that part owned in *Great-Britain* or this province, or the aforesaid governments, which are exempted.



## NEW HAMPSHIRE.

By an act passed in 1702.

A duty is laid on the tonnage of all shipping, viz.

One pound of good new gunpowder in specie for each ton such vessel contains.

## NOVA SCOTIA.

A new government not sufficiently settled to establish an assembly, and therefore cannot make laws or raise taxes.

## NEW FOUNDLAND.

Not allowed to make laws, nor several other privileges enjoyed by other plantations.

Grants for  
the supply.

ON the 11th of *February*, the house, according to order, resolved itself again into a committee, to consider of the supply granted to his Majesty, and came to the following resolutions, viz.

1. That a sum not exceeding 217,269 *l.* 4 *s.* 10 *d.* should be granted to his Majesty for the ordinary of the navy, (including half-pay to sea-officers) for the year 1736.

2. That a sum not exceeding 10,000 *l.* should be granted to his Majesty upon account, towards the support of the royal hospital of *Greenwich*, for the better maintenance of the seamen of the said hospital, worn out and become decrepid in the service of their country.

3. That a sum not exceeding 24,518 *l.* 10 *s.* should be granted to his Majesty upon account, for out-

out-pensioners of *Chelsea* hospital, for the year 1736. which resolutions were next day agreed to by the house.

The house having on the 10th began to hear the matter of the petition of *Richard Sheppard*, Esq; *Southwark* election determined. complaining of an undue election and return for the borough of *Southwark*, in the county of *Surry*, in pursuance of their order mentioned in our last, and having proceeded in the said hearing on the *Thursday* following, the petitioner, after he had examined all his witnesses in support of his petition, was advised to give up the affair; whereupon Mr. *Heathcote*, the sitting member, was prevailed on not to give the house the trouble of examining any witnesses in support of his right, or to push the affair any farther, so that upon the *Tuesday* after, being the 17th, the house resolved, *nemine contradicente*, that *George Heathcote*, Esq; was duly elected a burgess to serve in this present Parliament for the borough of *Southwark* in the county of *Surry*.

ON *Friday* the 20th of *February*, a petition of Petition against spirituous liquors. his Majesty's justices of the peace for the county of *Middlesex*, in their general quarter-sessions assembled, was presented to the house, and read, setting forth, ' That the drinking of geneva and other ' distilled spirituous liquors, had, for some years last ' past, greatly increased, especially among the people of inferior rank; and that the constant and excessive use thereof, had already destroyed thousands of his Majesty's subjects, and rendered great numbers of others unfit for useful labour and service, debauching at the same time their morals, and driving them into all manner of vice and wickedness; and that that pernicious liquor was then ' sold, not only by distillers and geneva shops, but ' by many other persons of inferior trades; by which ' means journeymen, apprentices, and servants were ' drawn

‘ drawn in to taste, and by degrees to like, approve,  
 ‘ and immoderately to drink thereof; and that the  
 ‘ petitioners apprehend the public welfare and  
 ‘ safety, as well as the trade of the nation, would be  
 ‘ greatly affected by it, as that practice was dange-  
 ‘ rous and mischievous to the health, strength,  
 ‘ peace, and morals, and tended greatly to diminish  
 ‘ the labour and industry of his Majesty’s subjects;  
 ‘ and therefore praying, that the house would take  
 ‘ the premises into their serious consideration, and  
 ‘ apply such remedy as the house should judge most  
 ‘ proper.

Which petition was ordered to be referred to a committee of the whole house; and it was resolved, that the house would upon the *Monday* following, resolve itself into a committee of the whole house to consider of the said petition.

Resolutions  
 against spi-  
 rituous li-  
 quors.

Accordingly, on *Monday* the 23d, the house resolved itself into the said committee, and (Sir *Charles Turner* being in the chair) the Master of the Rolls moved the following resolutions, *viz.*

‘ 1. That the low price of spirituous liquors was  
 ‘ the principal inducement to the excessive and per-  
 ‘ nicious use thereof.

‘ 2. That in order to prevent the excessive and  
 ‘ pernicious use of spirituous liquors, a discourage-  
 ‘ ment should be given thereto by a duty to be laid  
 ‘ on all such liquors by retail.

‘ That the vending, bartering, or uttering the  
 ‘ said liquors should be restrained to persons keep-  
 ‘ ing public brandy shops, victualling houses, cof-  
 ‘ fee houses, ale houses and innholders, and to such  
 ‘ apothecaries and surgeons, as should make use of  
 ‘ the same by way of medicine only.

‘ 4.

‘ 4. That no person keeping a public brandy shop, a public victualling house, coffee house, or ale house, or being an innholder, should be permitted to vend, barter, or utter the said liquors, but by a licence, with a duty payable thereupon.’

Which resolutions were all agreed to, without any debate in the committee; and being next day reported to the house, they were there likewise agreed to without any debate; and as from these resolutions it appeared, that it would be necessary to lay on some new duties, and that it might perhaps be necessary to make some alterations in the old, therefore it was ordered, that the said report should be referred to the committee of the whole house, to whom it was referred to consider farther of ways and means for raising the supply granted to his Majesty.

Accordingly, the said committee of ways and means, took this affair into their consideration on *Monday* the 8th day of *March*, when the following resolutions were moved for, *viz.*

Farther resolutions against them.

‘ 1. That for all spirituous liquors, which any retailer thereof should, from and after the 24th day of *June*, 1736, be possessed of, there should be granted to his Majesty a duty of twenty shillings per gallon.

‘ 2. That from and after the 24th day of *June* 1736, the sum of 50 *l.* yearly should be paid to his Majesty, for a licence to be taken out yearly, by every person keeping a public brandy shop, a public victualling-house, coffee-house, or ale-house, or being an inn-holder, who should vend, barter, or utter, any such spirituous liquors.’ And on the 17th of *March*, the following resolutions were moved for.

‘ 1. That the duty and revenue, which should  
 ‘ arise by licences for vending brandy or spirits, as  
 ‘ also the present duties on low wines, strong wa-  
 ‘ ters, brandy, rum, arrack, and all other spirits,  
 ‘ whether foreign or *British*; and such duties as  
 ‘ should arise by retailing the same, should be  
 ‘ united to, and made part of the general or ag-  
 ‘ gregate fund established by the act of the first of  
 ‘ King *George I.* and should be issued and applied  
 ‘ to the uses to which the said fund is, or should be  
 ‘ made applicable.

‘ 2. That all the several annuities, payments, and  
 ‘ appropriations, which were then charged upon and  
 ‘ payable out of the said several duties on strong  
 ‘ waters, brandy, rum, arrack, or any other spirits,  
 ‘ should be charged upon, and made payable out  
 ‘ of the said aggregate fund.

Upon the motion for the first of these resolutions,  
 several gentlemen testified their dislike to the laying  
 on so high a duty at once upon all spirituous li-  
 quors; because it was really in some manner laying  
 a prohibition upon the retailer of any such; and  
 particularly *William Pulteney*, Esq; stood up, and  
 spoke to the following effect, *viz.*

Mr. Pulteney's speech.

‘ Sir, I believe it will be admitted by every gen-  
 ‘ tleman, that the constant and excessive use of spi-  
 ‘ rituous liquors among the inferior rank of our  
 ‘ people, is a practice which has of late years  
 ‘ grown to a monstrous height, and it will be as  
 ‘ generally and as readily admitted, that this prac-  
 ‘ tice is dangerous and mischievous to the health,  
 ‘ strength, peace, and morals of the people, and that  
 ‘ it tends greatly to diminish the labour and industry  
 ‘ of his Majesty's subjects, therefore I believe we  
 ‘ shall agree in this, that some method ought to  
 ‘ be



‘ be taken for putting a stop to this practice; but  
 ‘ whether it be necessary for this end to lay a total  
 ‘ prohibition upon the retail of such liquors, is a  
 ‘ question that will, in my opinion, admit of some  
 ‘ doubt, and deserves our most serious considera-  
 ‘ tion, because of the many bad consequences with  
 ‘ which such a prohibition must certainly be at-  
 ‘ tended.

‘ Let us consider, Sir, that the distilling trade is  
 ‘ a business which has been carried on by royal au-  
 ‘ thority for about a hundred years, and that it has  
 ‘ been not only highly approved, but very much  
 ‘ encouraged by several acts of Parliament passed  
 ‘ since the revolution. Under such public, such  
 ‘ great, and such solemn sanctions, what person in  
 ‘ the kingdom could imagine, that the trade was in  
 ‘ itself pernicious, or that it was inconsistent with  
 ‘ the health and welfare of the people? No Man  
 ‘ could: And accordingly, great numbers of his Ma-  
 ‘ jesty’s subjects, especially within these last forty  
 ‘ years, have betaken themselves to this business, and  
 ‘ have employed all the money they were masters of  
 ‘ in providing materials proper for the business.  
 ‘ And farther, Sir, as the distilling of such spirits  
 ‘ has met with great encouragement from the legis-  
 ‘ lature for many years past; so likewise the retail  
 ‘ of them has been so much encouraged, or at least  
 ‘ connived at, that there is not now an inn, an ale-  
 ‘ house, or a coffee-house in the kingdom, but what  
 ‘ owes a great part of its profits to the retail of such  
 ‘ liquors: By which means, there are now such mul-  
 ‘ titudes of families in the kingdom who owe their  
 ‘ chief, if not their only support to the distilling,  
 ‘ or to the retail of such liquors, that they very well  
 ‘ deserve the care, and the consideration of a *British*  
 ‘ house of Commons.

‘ The only complaint now before us, Sir, is a-  
 ‘ gainst the constant and excessive use of spirituous  
 ‘ liquors among persons of inferior rank: There is

‘ no

' no complaint against the liquors themselves, nor  
 ' was it ever said that a moderate use of any sort of  
 ' such liquors was hurtful; nay, it will be granted,  
 ' I believe, that the moderate use of them is, upon  
 ' many occasions, convenient, if not necessary; so  
 ' that by a total prohibition of such liquors by retail,  
 ' we seem to be carrying the remedy much farther  
 ' than the disease, even with respect to our home  
 ' made spirits. But with respect to rum, I am sure  
 ' there was never any complaint against the constant  
 ' and excessive use of that liquor among persons of  
 ' inferior rank, therefore I can see no reason for put-  
 ' ting a stop to the retail of that liquor; and when  
 ' we consider the present low, and distressed con-  
 ' dition of our sugar colonies, and that they are  
 ' now chiefly supported by the sale of their rum, I  
 ' think we ought not to put almost an intire stop to  
 ' the consumption of that liquor, without some very  
 ' strong and very urgent reasons for so doing.

' From what I have said, Sir, I hope no gentle-  
 ' man will suppose or imagine, that I am arguing  
 ' against our taking some method for putting a stop  
 ' to the constant and excessive use of such liquors a-  
 ' mong persons of inferior rank. No, Sir, I shall  
 ' readily and willingly agree to any proper method  
 ' for that purpose; but I must declare, that my con-  
 ' cern is so great for the multitudes of families, both  
 ' in this island and in the *West-Indies*, who now owe  
 ' their chief support to the making and vending of  
 ' such liquors, that I cannot give my consent to any  
 ' regulation which will turn them intirely, and at  
 ' once out of that business to which they at present  
 ' owe their chief support; especially, as I am con-  
 ' vinced the disease we have now under our conside-  
 ' ration, does not any way stand in need of such a  
 ' desperate cure: And I have likewise so great a re-  
 ' gard for his Majesty and his illustrious family, and  
 ' for the peace and quiet of this kingdom, that I

' cannot

‘ cannot give my consent to a regulation, which I  
‘ foresee will raise great dissatisfaction to the present  
‘ government, and may produce such riots and tu-  
‘ mults, as may endanger our present establishment,  
‘ or at least such as cannot be quelled without  
‘ spilling the blood of many of his Majesty’s once  
‘ faithful subjects, and putting an end to the liber-  
‘ ties of the people. It is a dangerous, it is, Sir, a  
‘ terrible thing, to reduce many thousands of fami-  
‘ lies at once to a state of despair, which will be the  
‘ certain consequence of laying so high duties upon  
‘ the retail of spirituous liquors as will amount to a  
‘ total prohibition.

‘ The constant and excessive use of spirituous li-  
‘ quors among the inferior rank of our people is the  
‘ only complaint now properly before us; and as it  
‘ is evident that this grievance proceeds entirely from  
‘ the low price of our home made spirituous liquors,  
‘ it is certain, that a duty upon all such, perhaps,  
‘ less than that which was imposed by the late act  
‘ against *Geneva*, would prevent the constant and  
‘ excessive use of such liquors among the inferior  
‘ rank of our people: This, Sir, I think, is evident  
‘ from the effect of those duties which are laid upon  
‘ brandy and rum; for it is certain, that brandy and  
‘ rum are more coveted by the vulgar, and may ea-  
‘ sily be made more palatable than any sort of home  
‘ made spirit; yet we have never heard of great  
‘ complaints made against the constant and excessive  
‘ use of brandy or rum among persons of inferior  
‘ rank; the reason of which certainly is, because the  
‘ duties upon these liquors have raised the price so  
‘ high, that the lower sort of people cannot afford to  
‘ make a constant and excessive use of them; and  
‘ therefore it is plain, that if the price of all home  
‘ made spirits were, by a duty to be laid upon them,  
‘ made as high as the price of rum is at present, it  
‘ would prevent the constant and excessive use of them  
‘ among the vulgar.

‘ It

‘ It cannot be said, Sir, that nothing but a total  
 ‘ prohibition can be an effectual remedy against the  
 ‘ evil complained of, because we all know that the  
 ‘ late act against geneva was effectual so far as it  
 ‘ went: It was made, we know, to extend only to  
 ‘ compound spirits, and with respect to them it was  
 ‘ an effectual remedy, for it put an intire stop to the  
 ‘ constant and excessive use of such spirits among  
 ‘ those of inferior rank; but some of the distillers  
 ‘ immediately began to make a sort of plain spirit,  
 ‘ which, I believe, in derision of the act, they called  
 ‘ *Parliament brandy*, and this the common people  
 ‘ made as constant and as excessive an use of, as they  
 ‘ had before done of compound spirits: This was  
 ‘ the case of that act, and if it had been amended,  
 ‘ and made to extend to all home-made spirits, in-  
 ‘ stead of being repealed, there would never have  
 ‘ been occasion for any such complaint as that we  
 ‘ have now before us: How it came to be repealed  
 ‘ I shall not now take upon me to explain; but  
 ‘ upon recollecting what was the effect of that act,  
 ‘ I think we need not give ourselves any great trou-  
 ‘ ble, in searching after a remedy for the disease  
 ‘ now complained of: Let us but revive that act,  
 ‘ extend it to all home-made spirits, and add some  
 ‘ clauses for preventing any person’s selling spirituous  
 ‘ liquors without a licence, and I am convinced the  
 ‘ remedy will be found to be effectual.

‘ But admitting that nothing but a total prohibi-  
 ‘ tion will do, yet for God’s sake, Sir, let us have  
 ‘ some regard to the many poor families that are  
 ‘ now supported, by the distilling and vending of  
 ‘ spirituous liquors: Do not let us, for God’s sake,  
 ‘ turn them all at once out of their livelihood: Let  
 ‘ us consider how difficult it is for a man, who has  
 ‘ been bred up to, and has long exercised one sort of  
 ‘ business, to turn himself all at once to another, by  
 ‘ which he may support his family: Let us consider  
 ‘ what a loss he must sustain by the sale of those u-

' tenfils, he had occafion for in his former way of  
 ' bufinefs: the difficulty muft upon all occafions be  
 ' great, the lofs muft be confiderable; but by turn-  
 ' ing fuch multitudes adrift at once, we fhall make  
 ' the difficulty infurmountable, and the lofs irrepa-  
 ' rable; for there will be fuch numbers brought at  
 ' once to look out for new employments, that it will  
 ' make it impoffible for any one of them to fucceed;  
 ' and there will be fuch a large quantity of a certain  
 ' fort of materials brought at once to the market,  
 ' that none of them will bear any price. In fhort,  
 ' Sir, the difficulties and diftreffes, which many poor  
 ' families muft be drove to, raife in me the moft  
 ' melancholy reflections, and they muft raife in the  
 ' breaft of every man that hears me, the moft com-  
 ' paffionate concern; therefore, if it be thought ab-  
 ' folutely neceffary to lay on fuch duties as will  
 ' amount to a prohibition, I hope they will not be  
 ' laid on all at once: We may now lay on a fmall  
 ' duty upon all forts of fpirits fold by retail, and a  
 ' fmall duty upon licences for felling by retail; we  
 ' may increafe thofe duties the next feflion, and we  
 ' may go on increafing yearly, till they be at laft  
 ' brought up fo high, as to amount to a prohibition:  
 ' By this method, people will have time to look  
 ' about them, and will get out of the trade by de-  
 ' grees; which will make it the lefs hurtful to eve-  
 ' ry particular man, and the more eafy for him to  
 ' fix himfelf in fome new way of bufinefs, by which  
 ' he may be able to fupport his family.

' I have often heard, Sir, of fumptuary laws, by  
 ' which certain forts of apparel, or rather decora-  
 ' tions, have been forbid to be worn by perfons of  
 ' inferior rank; but I never yet heard of a fumptu-  
 ' ary law, by which any fort of victuals or drink,  
 ' were forbid to be made ufe of by perfons of a low  
 ' degree; yet this is, as it appears to me, what feems  
 ' to be now intended: We are abfolutely to forbid  
 ' the ufe of fpirituous liquors, to all thofe who are



' not able to purchase a certain number of gallons  
 ' at a time: A poor journeyman or labourer shall  
 ' not have a dram, shall not have a glass of punch,  
 ' unless he can spare to lay out eight or ten shillings  
 ' at a time, which I am sure two thirds of our peo-  
 ' ple cannot well spare to do: Whereas, if a man  
 ' is rich enough to lay out eight or ten shillings at a  
 ' time, or profligate enough to pawn his coat, in  
 ' order to raise the money, he may drink as much,  
 ' he may commit as many debauches in that liquor  
 ' as he pleases, the law contrived by the wisdom of  
 ' the *British* legislature, against the excessive drinking  
 ' of spirits, shall put no restraint upon any such man:  
 ' If spirituous liquors, even when taken in the most  
 ' moderate way, are of such a pernicious nature, that  
 ' they ought never to be tasted without the advice and  
 ' prescription of a physician, we ought to take care  
 ' of the rich as well as of the poor, by putting it out  
 ' of the power of the former as well as of the latter,  
 ' to taste the bewitching cup without such advice  
 ' and prescription; but if the moderate use of such  
 ' liquors be no way hurtful, I can see no reason for  
 ' our making any invidious distinction between the  
 ' poor and the rich; let us leave the moderate use  
 ' of such liquors to all, and take all proper methods  
 ' for preventing their being immoderately used by  
 ' any. This I think, Sir, may be done by a much  
 ' lower duty than that now proposed, and therefore,  
 ' tho' I have as great a regard for the health and the  
 ' morals of the people, as any gentleman in this house,  
 ' yet I cannot but be against the motion now made  
 ' to you, because of the terrible consequences with  
 ' which it must necessarily be attended.'

To this it was answered in general,

Answer.

' That no sort of distilled spirituous liquor was  
 ' absolutely necessary for the support of nature, that  
 ' such liquors were at first used only by physicians,  
 surgeons,

‘ surgeons, and apothecaries, in some dangerous dif-  
 ‘ tempers, and were never dispensed by them but in  
 ‘ small quantities; but when such liquors were to be  
 ‘ met with at every corner, and people left at liber-  
 ‘ ty to take as much of them as they pleased, few  
 ‘ persons could keep themselves within any bounds,  
 ‘ because a small quantity deprived them of their  
 ‘ reason, and the companions they usually met with  
 ‘ at such places, encouraged and tempted them to  
 ‘ drink to excess: That it was impossible to prevent  
 ‘ this excess, without greatly diminishing the num-  
 ‘ ber of retailers of such liquors, and raising the price  
 ‘ so high, as to put them out of the reach of all per-  
 ‘ sons of inferior rank, who were the only sort of  
 ‘ people, that were generally apt to make a custom  
 ‘ of getting drunk with such liquors; for that very  
 ‘ few of the better sort of people, had ever been  
 ‘ found to commit frequent debauches in such liquors;  
 ‘ and even with respect to them, by putting it out  
 ‘ of their power to meet with such liquors, at a cheap  
 ‘ rate, in any place of public resort, the tempta-  
 ‘ tions which may arise from promiscuous company,  
 ‘ or from companions and friends meeting together,  
 ‘ would be entirely taken away; and very few per-  
 ‘ sons were so ridiculously abandoned, as to get  
 ‘ drunk by themselves, without any company or  
 ‘ conversation.

‘ That they were very sensible of the difficulties,  
 ‘ to which great numbers of his Majesty’s subjects  
 ‘ would be reduced, by the duties to be laid upon the  
 ‘ retail of such liquors; but the interest of every par-  
 ‘ ticular man, must give way to the general interest;  
 ‘ and where the preservation of the society was so  
 ‘ visibly and so essentially concerned, the prejudice  
 ‘ that some few particular persons might suffer, was  
 ‘ not to be regarded. However, that all possible  
 ‘ care would be taken of those, that might any way  
 ‘ suffer by the duties to be laid upon the retail of  
 ‘ spirituous liquors, in order that they might be ena-

' bled to fall upon some other way of supporting  
 ' their families; and as every one would be con-  
 ' vinced, that their being turned out of their present  
 ' way of supporting their families, was become ne-  
 ' cessary, for the public good of their country, and  
 ' for the preservation of the people in general, it  
 ' was to be presumed, that every man would wil-  
 ' lingly submit to such a regulation, so that it could  
 ' not raise any disaffection to his Majesty's person or  
 ' government, nor could it produce any riots or  
 ' tumults.

' That with respect to rum and brandy, it was  
 ' very certain, that they likewise had been often  
 ' drank to a very great excess, notwithstanding the  
 ' high duties laid upon them, and were as pernicious  
 ' both to the health and the morals of the people,  
 ' as any home made spirit: That it would be ridi-  
 ' culous to lay a higher duty upon home made spi-  
 ' rits, which were the manufacture of the subjects  
 ' of this island, than upon rum or brandy, especially  
 ' the latter; and that if our sugar islands should  
 ' suffer a little, by our lessening the consumption of  
 ' rum, they could not complain, when they consider-  
 ' ed that it was for the sake of preserving their mo-  
 ' ther country, the general interest of which was  
 ' always to be preferred, to the particular interest of  
 ' any colony; for if any sort of spirit should be  
 ' exempted from the duties then to be imposed, the  
 ' retailers would sell all sorts of spirits under that  
 ' denomination, and the distillers, would compound  
 ' them in such a manner, that it would be impossi-  
 ' ble to discover the fallacy.

' That they would willingly agree to the method  
 ' proposed by the honourable gentleman, of laying  
 ' on but a small duty at once, and raising that duty  
 ' by degrees; but they were very sure, the laying  
 ' on a small duty would not be an effectual remedy  
 ' for the evil so loudly complained of; and if the  
 ' spirit

‘spirit which was then in the nation against all sorts  
 ‘of distilled spirituous liquors should be allowed to  
 ‘subside, they were afraid they would never be able  
 ‘to get any new act passed for raising that duty,  
 ‘because of the multitudes of people that would al-  
 ‘ways be engaged by their own private interest to  
 ‘oppose the passing of any such law; therefore they  
 ‘thought it was absolutely necessary, to take advan-  
 ‘tage of the present conjuncture, in order to put an  
 ‘effectual stop to a practice, which had been so long,  
 ‘and so justly complained of; and for that reason,  
 ‘they were for agreeing with the motion.’

The question being then put upon the motion, it Question.  
 was agreed to without any farther debate, and with-  
 out any division, as was the other resolution of the  
 8th of *March* above-mentioned: The other two re-  
 solutions which were proposed on the 17th, occa-  
 sioned a much longer debate, but they likewise were  
 agreed to without a division.

**O**N the 19th the said resolutions of the Com- Report.  
 mittee were reported to the house, when those  
 of the 17th were again debated; but all the four re-  
 solutions were at last agreed to by the house; and  
 then a motion was made, that the resolutions report-  
 ed from the Committee of the whole house, who  
 were appointed to consider of the petition of his  
 Majesty’s justices of the peace for the county of *Mid-*  
*dlesex*, in their general quarter sessions assembled, and  
 agreed to by the house upon *Tuesday* the 24th day  
 of *February* last, might be read; and the same being  
 read accordingly, it was ordered, ‘That a bill  
 ‘should be brought in upon the resolutions then last  
 ‘read, and also upon the resolutions that day report-  
 ‘ed from the Committee of the whole house, to  
 ‘whom it was referred, to consider farther of ways  
 ‘and means for raising the supply granted to his  
 ‘Majesty, and agreed to by the house; and that the

- ‘ Master of the Rolls, Sir *Charles Turner*, Mr.
- ‘ Chancellor of the *Exchequer*, Mr. *Doddington*, Sir
- ‘ *George Oxendon*, and Mr. *Winnington*, should pre-
- ‘ pare and bring in the same.’

Account of  
excise moved  
for.

ON *Monday* the 22d of *March*, a motion was made, ‘ That the commissioners of the excise should lay before the house an account of the net produce of the hereditary and temporary excise, from *Midsummer* 1716, to *Midsummer* 1726, distinguishing each year, and the produce of the several duties belonging to the said excise.’

Cause of this  
motion.

The better to apprehend the reasons for this motion, it may be proper to take notice, that the first two of the four resolutions, agreed to in the Committee of ways and means as above-mentioned, were moved for by the Master of the Rolls, and agreed to on the 8th; and were, as was imagined by many, all that was necessary for the foundation of a bill; but when they were going to direct their chairman, to report these two resolutions to the house, an honourable gentleman who had been for these two resolutions, stood up and moved, ‘ That they might fit again before they directed any report, because as the duties proposed to be laid upon spirituous liquors, would certainly very much diminish the consumption of such spirits, it was not to be expected that the duties upon such spirits would produce so much yearly, as they had formerly done; and as the former produce stood appropriated for answering certain annuities and payments, particularly to the civil list, it would be necessary to consider of ways and means, to make good the deficiencies that might happen by the two resolutions they had then agreed to.’ Whereupon the Committee agreed to sit again upon that affair before making any report; and accordingly on the 17th, the house

re-



resolved itself again into the said Committee, when the same gentleman acquainted the house, ' That the ' share the civil list only, had in the duties on spirituous liquors, had for several years last past amounted to at least 70,000 *l.* yearly, one year with another ; and as a great part of this annuity would be lost to the crown, it was necessary to make it good from some other fund ; therefore he proposed appropriating all the duties on spirituous liquors to the aggregate fund, which makes a part of the sinking fund, and charging that fund with all the annuities and payments formerly payable out of these duties ;' in pursuance of which, he moved for the two resolutions agreed to on the 17th as above-mentioned. This proposition brought on a debate, in which it was strongly insisted, ' That the ' civil list, instead of being a loser, would be a ' gainer by lessening the consumption of spirits, because the consumption of beer and ale, and of wine, and the produce of the duties on wine licences, &c. would be thereby greatly increased ; so that the loss the crown might sustain, by lessening the produce of the duties upon spirituous liquors, would be much more than made good, by the increase of almost all the other revenues appropriated to the civil list ; particularly that upon beer and ale.'

Upon the other side it was granted, ' That there ' might probably be an increase in the excise upon beer and ale ; but, as what the amount of that increase might be, was uncertain ; and as the amount of the loss the crown was to sustain was certain, therefore that loss ought then to be made good out of some certain produce ; and if there did really happen any increase in the excise upon beer and ale, they might call for an account of it in two or three years after, in order that the same might be appropriated to the aggregate fund, for making

‘ good what was proposed to be taken from that  
‘ fund.’

Division.

This debate gave occasion to the calling for the said account, of the net produce of the hereditary and temporary excise, &c. in order that it might afterwards from thence appear, what increase had arisen in the excise upon beer and ale, by the preventing or lessening the consumption of spirituous liquors; and in order that that increase might be appropriated to the aggregate fund, by the bill which was then to be brought in: But upon putting the question, after a long debate, it was carried in the negative, by 182 to 122.

Bill brought  
in.

ON Monday the 29th day of *March*, the master of the rolls presented to the house, according to order, the said bill, which was intituled, *A bill for laying a duty upon the retailers of spirituous liquors, and for licensing the retailers thereof*; and the same being received, Mr. Chancellor of the *Exchequer* stood up, and, by his Majesty’s command, acquainted the house, ‘ That as the alterations proposed to be made  
‘ by that bill, in the duties charged upon all spirituous liquors, might, in a great degree, affect some  
‘ parts of his Majesty’s civil list revenues arising from  
‘ the same, his Majesty, for the sake of remedying  
‘ so great an evil, as was intended by that bill to be  
‘ prevented, consented to accept any other revenue  
‘ of equal value, to be settled and appropriated in  
‘ lieu of his interest in the said duties.’

Motion for  
printing it.

The bill was then read the first time, and ordered to be read a second time: After which a motion was made, That the said bill should be printed, which occasioned some debate; but, upon the question’s being put, it was carried in the negative.

Merchants  
petition a-  
gainst the  
bill.

On *Wednesday, March 31st*, the said bill was, according to order, read a second time, and committed to a committee of the whole house; and

on the 6th of *April*, a petition of the merchants and planters trading to and interested in the *British* sugar colonies in *America*, was presented to the house, and read; setting forth, That the resolutions which the house had come to, for granting to his Majesty a duty of 20 s. *per* gallon for all spirituous liquors sold by retail, and for the payment of the sum of 50 l. yearly to his Majesty, by every person retailing the same, would bring, as the petitioners apprehended, unavoidable ruin on the sugar colonies; though the evil complained of did not arise from the consumption of the commodities imported from the said colonies; and representing to the house a state of their case, with regard to the consumption of sugar, molasses and rum, as it would be affected by the bill brought in upon the said resolutions; in full assurance that the wisdom of the Legislature would find means effectually to suppress the evils, occasioned by the excessive use of spirituous liquors, without destroying the sugar trade, upon which the subsistence of so many thousands of his Majesty's subjects depended; and therefore praying, that the petitioners might be heard by themselves or their counsel, against so much of the said bill as they conceived might extend to their prejudice, or affect the *British* sugar trade.

After the reading of this petition, a motion was made, That the said petition should be referred to the consideration of the committee of the whole house, to whom the said bill was committed; and that the petitioners, if they thought fit, should be heard by themselves or their counsel before the said committee, according to the prayer of their petition; but this motion being objected to, and it being alleged, that it was contrary to the method of proceeding in that house, to hear counsel or parties, upon any petition against a money bill, the gentlemen who had made and seconded the motion, desired the following journals might be read, *viz.*

Motion for  
referring this  
petition.

1. The

Journals  
read.

1. The journal of the house of the 10th day of *June*, in the 10th year of the reign of King *William*, in relation to the several petitions of the bailiffs, wardens, and commonalty, of the occupation, art, and mystery of weavers, within the city of *London*, and of the wardens and assistants of the company of worsted weavers in the city of *Norwich*, in the county of *Norfolk*, and to the several orders of the house thereupon; and to the order of the house, for referring the consideration of the petition of the *East-India* company to the committee of the whole house, to whom the bill for raising a sum, not exceeding two millions, for settling a perpetual fund for payment of certain annuities, after the rate of eight pounds *per cent. per annum* for every hundred pound, and for farther advantage therein mentioned, redeemable by Parliament, was committed, and for hearing the said company by their counsel upon the said bill before the said committee.

2. The journal of the house of the 15th of *April*, in the eleventh year of the reign of King *William*, in relation to the report of the committee of the whole house, who were appointed to consider of the bill for taking off the remaining duties on glass wares.

3. The journal of the house of the 5th day of *May*, in the 13th year of the reign of King *William*, in relation to the petition of several persons, in behalf of themselves and many others, who did advance and pay into the receipt of his Majesty's *Exchequer*, the sum of 563,700 *l.* at a time of extraordinary necessity, on the faith and credit of an act of Parliament, made in the sixth and seventh years of his Majesty's reign; and to the order of the house, for hearing the petitioners by counsel at the bar of the house.

4. The

4. The journal of the house of the 3d day of *April*, in the eighth year of the reign of King *William*, in relation to the petition of the master and keepers, or wardens and commonalty of the mystery and art of brewers of the city of *London*, and to the order of the house thereupon.

5. The journal of the house of the 7th day of *April* following, in relation to the petition of *Richard, George* and *Anne Dashwood*, younger children of *George Dashwood*, Esq; deceased; and to the petition of the most noble *Barbara*, Dutcheß of *Cleveland*, and to the several orders of the house thereupon.

6. The committee book of the committee of the whole house, in relation to the proceedings upon the 9th day of *April*, 1696, of the committee of the whole house, to whom the bill concerning low wines was committed.

7. The journal of the house of the 9th day of *May*, in the 13th year of the reign of King *William*, in relation to the hearing of counsel at the bar, upon the petition of the persons, who advanced and paid into his Majesty's *Exchequer* the sum of 564,700 *l.* upon the credit of the act for laying duties upon coals and culm:

8. The journal of the house of the 20th day of *March*, in the first year of the reign of Queen *Anne*, in relation to the order of the house, for referring the consideration of the petition of the agents, planters, and merchants, concerned in and trading to the island of *Barbadoes*, to the committee of the whole house, to whom the bill for the better support of her Majesty's household, and of the honour and dignity of the crown, was committed.

All



All which journals were accordingly read ; and then the gentlemen who were for the motion, proceeded to this effect, *viz.*

Argument  
for the mo-  
tion.

‘ That with respect to those money bills, which  
‘ were brought in for answering the current service  
‘ of the ensuing year, there was some reason for not  
‘ admitting petitioners to be heard against them ;  
‘ because such services required an immediate sup-  
‘ ply, they could not be carried on without money,  
‘ and they generally could not admit of any delay ;  
‘ therefore the public safety made it often necessary  
‘ to pass such bills with the utmost dispatch ; and  
‘ for that reason the house had laid it down as a  
‘ rule, not to admit petitioners to be heard against  
‘ them ; but even in such cases the rule was not  
‘ without exception, as appeared from the journals  
‘ that had been read to them, especially the first,  
‘ where petitioners were admitted to be heard against  
‘ that bill, notwithstanding the great sum that was  
‘ thereby to be raised, and notwithstanding the great-  
‘ est part of that sum was designed, and was abso-  
‘ lutely necessary for the support of our civil govern-  
‘ ment, and of our land and sea-services, as appear-  
‘ ed by the clause of appropriation contained in that  
‘ act ; and considering the precarious situation the  
‘ affairs of *Europe* were then in, it could not be de-  
‘ nied, but that the demands for those services were  
‘ then as pressing, and required as much dispatch as  
‘ could almost at any one time be supposed.

‘ But that, with respect to the bill then before  
‘ them, it could not properly be called a money  
‘ bill : There were, ’twas true, some taxes to be  
‘ imposed by the bill, but those taxes were not de-  
‘ signed as supplies for answering the current service  
‘ of the year : They were designed only for putting  
‘ an end to an abuse which had lately crept in a-  
‘ mong our people ; and therefore the rule, for not admit-

‘ admitting petitioners to be heard against a money bill, could in no manner of way be applied to the bill then before them.

To this it was added, ‘ That with respect to any trade, in which the subjects of this nation had no rival, the legislature might pretty freely make such regulations as they had a mind; but with respect to any trade, in which our subjects were rivalled by foreign powers, we ought to be extremely cautious in making any new regulation; because in such a case the smallest discouragement might give foreigners such an advantage over us, as might enable them to turn us intirely out of the trade; which might very probably be the case, with respect to the sugar trade; for in that trade it was well known, we had a most powerful and a most dangerous rival; and for us to make a new regulation which might affect that trade, without so much as hearing what our own subjects who were engaged in the trade, had to say against such regulation, was shewing such a disregard to the subjects, and to the trade and commerce of *Great-Britain*, as they hoped would never in any case be shewn by that house.’

To this it was answered in general ‘ That e- Answer.  
 ‘ very bill, by which any tax was levied upon the subject, was a money bill, and had always been understood as such by that house; and therefore the bill then before them was as much a money bill as any other, That, with respect to the rule of not hearing petitioners against such bills, it must be supposed to have had a beginning, as all such rules have; and therefore before that rule came to be fully established, as a rule for directing the future proceedings of that house, many precedents might be quoted against the observing of that rule, because it was from those very precedents that the rule took its rise: It has been observed, that as soon as any  
 ‘ bill

' bill was brought in for laying a tax or duty upon  
 ' any sort of goods, the dealers in such goods always  
 ' petitioned, and desired to be heard by themselves,  
 ' or their counsel against the bill, and always under  
 ' a pretence, that the passing of such a bill would in-  
 ' jure the trade of the nation ; yet upon hearing what  
 ' they had to say, it was generally found, that all  
 ' their arguments proceeded from private prejudices  
 ' or selfish views, or that they had nothing to offer  
 ' but what had been before under the consideration  
 ' of the house ; so that it almost always appeared  
 ' that the hearing of such petitioners by themselves  
 ' or their counsel, was taking up a great deal of the  
 ' time of the house to no purpose : For this reason,  
 ' the house came at last to establish it as a rule not to  
 ' be departed from, not to admit petitioners to be  
 ' heard by themselves, or their counsel against any  
 ' such bill, which rule had then been inviolably ob-  
 ' served for many years, and the reason for observing  
 ' it was as strong, with respect to the bill then be-  
 ' fore them, as with respect to any other.

' That they ought, without doubt, to be extreme-  
 ' ly cautious in making any regulation which might  
 ' discourage our sugar trade, or our sugar colonies,  
 ' but neither that trade, nor any of those colonies  
 ' could be of any weight, when put in the balance  
 ' against the health and the happiness of the people  
 ' of *Great-Britain* ; and if for the preservation of  
 ' the health and the morals of the people of *Great-*  
 ' *Britain*, they found themselves under a necessity of  
 ' making a regulation, which might lessen the con-  
 ' sumption of sugar among the people of this  
 ' island, they must fall upon some way of giving an  
 ' encouragement to that trade, with respect to foreign  
 ' markets, which would be a greater advantage to  
 ' the nation, and would prevent the ruin of our own  
 ' people. But that for this purpose, they had no oc-  
 ' casion for hearing the petitioners by themselves or

' their

‘ their counsel ; because, as every one of them had  
 ‘ a representative in that house, they might commu-  
 ‘ nicate their thoughts upon that subject to their fe-  
 ‘ veral representatives, by which means the house  
 ‘ would be as fully informed of what they had to  
 ‘ say, as if they were to be heard by themselves or  
 ‘ their counsel at the bar ; and therefore, as the  
 ‘ granting them any such hearing, would be taking  
 ‘ up the time of the house to no purpose, they could  
 ‘ not but be against it.’

The question was then put upon the motion, and Question.  
 carried in the negative, without a division : Where-  
 upon the petition was ordered to lie upon the table.

Immediately after, a petition of the master, war- *Bristol* peti-  
tion against  
the bill.  
 dens, assistants, and commonalty of the society of  
 merchants, adventurers within the city of *Bristol*,  
 under the common seal, was presented to the house,  
 and read ; setting forth, ‘ That the bill then depend-  
 ‘ ing before the house, to lay a duty of 20 s. a gal-  
 ‘ lon on all spirituous liquors sold by retail, and a  
 ‘ sum of 50 l. yearly, to be paid by every retailer  
 ‘ of the same, would, if enacted, be destructive to  
 ‘ the petitioners, and many thousands more of his  
 ‘ Majesty’s subjects, as well in the sugar colonies, as  
 ‘ in the adjacent parts of the said city ; and there-  
 ‘ fore, imploring the house to consider the great loss,  
 ‘ which must immediately and thereafter ensue to  
 ‘ the revenue, navigation, traders, and others con-  
 ‘ cerned in sugar and rum, and what advantage  
 ‘ foreigners might make thereof ; and to afford such  
 ‘ relief therein, as to the house should seem meet ;  
 ‘ for that, in their humble opinion, a proper re-  
 ‘ lief might be granted to them, without preventing  
 ‘ the evil complained of in the bill from being ef-  
 ‘ fectually suppressed.

This petition was likewise ordered to lie upon the  
 table. On

Committee  
on the bill.

On *Wednesday* the 7th of *April*, the order of the house to resolve itself into a committee of the whole house upon the said bill being read, a great number of accounts relating to this affair, were ordered to be referred to the said committee; and then the house having resolved itself into the said committee, they made some progress in the bill, without any great debate or division; after which they put off the farther consideration of the bill to *Friday* then next.

*Liverpool*  
petition a-  
gainst it.

On *Thursday* the 8th, a petition of the merchants, and owners of ships, trading from the port of *Liverpool*, in the county palatine of *Lancaster*, to and from the *British* sugar colonies in *America*, was presented to the house, and read; setting forth, 'That  
' the greatest and principal branch of their trade  
' consisted in the exportation of manufactures, the  
' produce of *Great-Britain*, to our colonies in *Ame-*  
' *rica*, and bringing *Muscovado* sugars in return  
' for the same; three fourth parts of which sugars,  
' could not be consumed without being first refined,  
' and two fifth parts, when refined, were drawn in-  
' to molasses, whereof near two thirds were distilled  
' into spirits; and that, if the bill brought in upon  
' several resolutions of the house, in order to lay a  
' duty of 20 s. a gallon upon all kinds of spirituous  
' liquors retailed within this kingdom, rum from  
' his Majesty's plantations not excepted, should pass  
' into a law, the greatest consumption of refined su-  
' gars would be intirely lost; and rum, which is  
' near a fourth part in value of the produce of our  
' sugar colonies, would also be rendered of little or  
' no value, and two thirds of the molasses produced  
' from refined sugars, must become useless, to the  
' inevitable ruin of our sugar plantations, and de-  
' struction of the two most valuable branches of our  
' foreign trade, to the *British* colonies and the coast  
' of



‘ of *Africa*; and therefore expressing their hope,  
 ‘ that the legislature would not hazard so beneficial  
 ‘ a trade, to cure an evil, that never would have  
 ‘ happened from rum, or any other liquor of that  
 ‘ value, but would be able to find means effectually  
 ‘ to suppress the same, without extending such means  
 ‘ to any of the liquors that were distilled from the  
 ‘ produce of our own plantations; and praying, that  
 ‘ the house would be pleased to take their case into  
 ‘ consideration, and give such relief therein, as the  
 ‘ house should find most meet.

This petition was likewise ordered to lie upon the table.

Next day the order of the house being read, for the house to resolve itself into a committee of the whole house, to consider farther of the said bill, it was ordered, ‘ That it should be an instruction to  
 ‘ the said committee, that they should have power  
 ‘ to receive a clause, for enabling such persons as  
 ‘ had exercised the business of distillation for a time  
 ‘ to be limited, or had served, or were then  
 ‘ bound as apprentices to such business, to exercise  
 ‘ and follow any other trade or business in any city,  
 ‘ town or place, in that part of *Great Britain* called  
 ‘ *England*.’

Distillers to  
follow any  
other trade,

After which the house resolved itself into the said committee, and proceeded without any great debate or division, until they came to that clause in the bill, by which it was enacted, ‘ That the duties and re-  
 ‘ venues which should arise by licences for vending  
 ‘ brandy or spirits; as also, the present duties on  
 ‘ low wines, strong waters, brandy, rum, arrack,  
 ‘ and all other spirits, whether foreign or *British*,  
 ‘ and such duties as should arise by retailing the same,  
 ‘ should from and after the 29th of *September*, 1736,

Clause ob-  
jected to.

- be united to, and made part of the general or aggregate fund established by the act of the first year of the reign of his late Majesty King *George I.* and
- should be issued and applied to the uses to which the said fund was, or should be made applicable.

After reading this clause, it was opposed by several gentlemen as being unnecessary, because tho' the produce of those duties was appropriated to the payment of several annuities and other particular uses, and tho' that produce might perhaps be less in time to come than it had been for some years past, yet they did not believe that by the regulation made by that bill, the produce of those duties would be so much reduced, as to be under what it was when those appropriations were made; and if that should be the case, any small deficiency that might happen might be provided for by next session of Parliament, when the amount of that deficiency would be ascertained: But it being insisted on that the future produce of those duties could not near answer the ends to which it was appropriated, and that it was absolutely necessary for the sake of public credit, to grant a new fund to the creditors of the public, by the same bill by which they took away or diminished their old, the clause was agreed to without a division.

Another  
clause ob-  
jected to.

Then the next clause was read, which was in these words: ' And whereas the said duties upon low wines, strong waters, brandy, rum, arrack, and all other spirits, whether foreign, or *British*, are among other duties and revenues charged with, and liable to pay several sums of money, as well for the support of his Majesty's household and family, and the honour and dignity of the crown, as for payment of annuities and other payments to several corporations, and to other persons intitled thereunto; and it may so happen, that by making the

alterations

‘ alterations aforefaid in the faid duties, the funds  
 ‘ charged with the payments aforefaid may prove  
 ‘ deficient: And whereas, by a medium of eight  
 ‘ years, computed from the time of his Majesty’s  
 ‘ happy acceffion to the throne, to *Midsummer* laft  
 ‘ paft, the fum of                    is taken to be the me-  
 ‘ dium of the annual produce of what has been ap-  
 ‘ plied of the duties aforefaid to the fervice of his  
 ‘ Majesty’s houfhould and family: To the end there-  
 ‘ fore, that neither his Majesty, nor any other per-  
 ‘ fon or perfons, bodies politic or corporate, who is  
 ‘ or are intitled to any part, fhare, or intereft in the  
 ‘ money arifing by the faid duties, may be lofers,  
 ‘ or receive any prejudice by the alterations aforefaid,  
 ‘ be it enacted by the authority aforefaid, That from  
 ‘ and after the faid 29th day of *September*, 1736,  
 ‘ there fhall be paid to his Majesty during his natural  
 ‘ life, (which God long preferve) out of the monies  
 ‘ of the faid general or aggregate fund, the fum of  
 ‘        *per annum*, being the aforefaid medium of what  
 ‘ has been annually applied of the duties aforefaid,  
 ‘ towards the fervice of his Majesty’s houfhould and  
 ‘ family, and others his expences and occafions,  
 ‘ from his happy acceffion to the throne, to *Midsum-*  
 ‘ *mer* laft paft.’

After the reading of this claufe, a motion was made  
 by fome of the gentlemen concerned in the draw-  
 ing up of the bill, to fill up the blank with the fum  
 of 70,000 *l.* that fum, as they faid, being the me-  
 dium of what had been annually applied of the afore-  
 faid duties, towards the civil lift, from his Majesty’s  
 happy acceffion to the throne, to *Midsummer* laft  
 paft: Whereupon the gentlemen who had oppofed  
 the former claufe, declared, that they were likewise  
 againft this whole claufe, and that they would after-  
 wards take the liberty to give their reafons; but as  
 it was neceffary, in point of form, to fill up the blank  
 where any thing could be faid either for or againft

Sums propo-  
 fed for the  
 civil lift.

the clause, therefore they would propose that the blank should be filled up with the sum of 43,000 *l*.

As this was the lesser sum, the question was of course to be first put for filling up the blank with this lesser sum; and as this was opposed by the gentlemen who had proposed to fill the blank up with the sum of 70,000 *l*. it brought on a long debate, in which some of the chief arguments made use of in favour of the lesser sum were to this effect, *viz*.

Arguments  
in favour of  
the lesser  
sum.

‘ Sir, when I come to give my reasons for being  
‘ against this whole clause, I shall shew that the civil  
‘ list cannot be any loser by diminishing the con-  
‘ sumption of spirituous liquors, because, whatever  
‘ may be thereby lost to the civil list, will be much  
‘ more than made good by the increase of the con-  
‘ sumption of other liquors, of the duties upon which  
‘ the civil list has a much larger share than it has  
‘ of those duties payable upon spirituous liquors;  
‘ therefore whatever sum this blank may be filled  
‘ up with, I must look upon every shilling of it, not  
‘ as a compensation, but as a new addition to the ci-  
‘ vil list revenue, and since I do not think that the  
‘ crown has occasion for any new addition to that  
‘ revenue, I must look upon this whole sum as a real  
‘ loss to the people: I must look upon the whole,  
‘ Sir, as a sort of purchase money we are to pay for  
‘ the bill now before us; and since we must pay a  
‘ price for preserving the health and morals of the  
‘ people, surely, if we are good merchants, if we  
‘ are honest trustees for the people, we will endea-  
‘ vour to bring down that price as much as we can.

‘ But supposing, Sir, that the loss the civil list  
‘ may sustain by diminishing the consumption of spi-  
‘ rituous liquors, were not to be made good by the  
‘ increase which that diminution will naturally pro-  
‘ duce in some of the other branches of that reve-  
‘ nue; the yearly sum to be given to the civil list in  
‘ lieu of that loss, ought not to be calculated from

' a medium of eight years after his Majesty's happy  
 ' accession to the throne, but from a medium of  
 ' eight years immediately preceding his Majesty's  
 ' happy accession to the throne; for when the Par-  
 ' liament, which established the present civil list,  
 ' were considering what duties would be sufficient  
 ' for raising that revenue, which they thought was  
 ' necessary for supporting his Majesty's household and  
 ' family, they could not have under their considera-  
 ' tion the produce of those duties in time to come;  
 ' and much less could they have under their conside-  
 ' ration an increase which might arise by an abuse,  
 ' so as to put it out of the power of Parliament to  
 ' rectify that abuse, without making good to the  
 ' civil list the increased revenue, it had acquired by  
 ' that abuse: They could have nothing under their  
 ' consideration but the produce of those duties for  
 ' years past; and for this reason the clause now be-  
 ' fore us, ought to have been drawn up in a quite  
 ' different manner from what it is; or at least, it  
 ' ought to have been left to the committee to deter-  
 ' mine, whether they would take the eight years  
 ' before, or the eight years after his Majesty's ac-  
 ' cession; in which case it ought to have been in  
 ' these terms: *And whereas by a medium of*  
 ' *years, computed from* *to the*  
 ' *the sum of* *is taken to be the medium of the*  
 ' *annual produce of that part of the duties aforesaid,*  
 ' *appropriated to the service of his Majesty's household*  
 ' *and family.*

' This, Sir, was, in my opinion, the only pro-  
 ' per and regular method in which this clause could  
 ' have been brought in: If it had been brought in  
 ' according to this method, the committee, where  
 ' only it is proper to determine such things, would  
 ' have been left at full liberty to chuse the medium  
 ' of any number of years after, or the medium of a-  
 ' ny number of years before his Majesty's accession;



‘ and if we had chose the medium of eight years be-  
 ‘ fore his Majesty’s accession, which we certainly  
 ‘ ought to have done, that medium would not have  
 ‘ amounted to the sum now under our consideration;  
 ‘ because the abuse, with respect to the consumption  
 ‘ of home-made spirits, was not near so great in the  
 ‘ eight years preceding his Majesty’s accession, as it  
 ‘ has been in the eight years since; and every one  
 ‘ knows how greatly the produce of the duties upon  
 ‘ foreign spirits increased after that miraculous tide  
 ‘ which opened the port of *Dunkirk*, and which  
 ‘ brought in upon us an inundation of *French* bran-  
 ‘ dies under the name of *Flemish*; insomuch that in  
 ‘ the year 1723, which was the year after that pro-  
 ‘ digious tide, and but two years after a very remark-  
 ‘ able change in our administration, the duties on  
 ‘ foreign brandies and spirits, amounted to above  
 ‘ 70,000<sup>l</sup>. whereas in the year 1721, they did not  
 ‘ amount to 25,000 *l*. and we likewise know, that,  
 ‘ since his Majesty’s accession, this inundation has  
 ‘ rather increased than diminished.

‘ But again, Sir, supposing we were to take this  
 ‘ matter in the best light we can for the crown, and  
 ‘ in the worst light for the people: Supposing that  
 ‘ we ought to calculate the loss, which the civil list  
 ‘ may sustain by diminishing the consumption of spi-  
 ‘ rituous liquors, from a medium of eight years to be  
 ‘ computed from the time of his Majesty’s happy  
 ‘ accession to the throne to *Midsummer* last; yet  
 ‘ surely the extraordinary increase, that happened in  
 ‘ the duties upon foreign brandies and spirits in the  
 ‘ year 1733, ought not to be brought into that cal-  
 ‘ culation; for in that year, we may remember we  
 ‘ reassumed our desire to encourage our own distil-  
 ‘ lery, and for that reason, (*French* brandies being  
 ‘ wanted, as was pretended, to mix up with, and  
 ‘ rectify our own spirits) as well as for the love and  
 ‘ esteem we bore the *French*, a law was passed, for  
 ‘ lowering

' lowering the duties upon *French* brandies, and for  
 ' making all foreign brandies pay an equal duty  
 ' with them: This of course gave the alarm to our  
 ' old friends at *Dunkirk*, who foresaw that they  
 ' could no longer import *French* brandies upon us  
 ' under the name of *Flemish*, and therefore, before  
 ' that act took place, they brought in such large  
 ' quantities of brandy, that the duties on foreign  
 ' brandies and spirits, for that year only, amounted  
 ' to near 318,000 *l.* which was near 200,000 *l.* more  
 ' than was usual in any one year; yet this extraor-  
 ' dinary and casual produce seems now intended to  
 ' be brought in, for magnifying the loss which the  
 ' civil list may sustain, by diminishing the consump-  
 ' tion of spirituous liquors, and for increasing the  
 ' sum with which the people are to be loaded for  
 ' making good that pretended loss. I say, pretend-  
 ' ed loss, Sir, because I am convinced the whole  
 ' will appear to be so, and therefore I am now for  
 ' filling up the blank with the smallest sum I have  
 ' heard proposed; but when the question comes to  
 ' be put upon the clause in general, I shall give my  
 ' negative to the whole, and for that reason I shall  
 ' give my self very little concern about the sum  
 ' with which it is now to be filled up.'

To this it was answered in substance as follows,  
*viz.*

' I shall not, Sir, take up your time with en-  
 ' deavouring to shew, that the loss which the crown  
 ' may sustain by lessening the consumption of spiri-  
 ' tuous liquors, cannot be made good by the increase  
 ' that must thereby be occasioned in the consumption  
 ' of other liquors; because I do not take it to be the  
 ' question now before us: It is evident from the ac-  
 ' counts upon our table, that his Majesty's share of  
 ' the duties upon spirituous liquors, has for these

' eight years last past amounted yearly to about  
 ' 70,000 *l.* one year with another, therefore if the  
 ' whole of these duties be for the future appropriated  
 ' and made payable to the aggregate fund, it is e-  
 ' vident, and I think admitted of, on all sides, that  
 ' his Majesty will by such appropriation lose a year-  
 ' ly revenue of 70,000 *l.* which he has enjoyed ever  
 ' since his happy accession to the throne; and that  
 ' that loss ought to be made good to his Majesty, is  
 ' a question that seems to me to have been already  
 ' determined by this house, when we agreed to those  
 ' resolutions upon which this bill was founded:  
 ' Therefore the only question now before us, or that  
 ' can come properly before us, is to determine how  
 ' much his Majesty will really lose, in order that  
 ' the same may be for the future made good to his  
 ' Majesty out of that fund, to which we have already  
 ' appropriated those duties which formerly belonged  
 ' to his Majesty's civil list. This, in my opinion,  
 ' is no more than doing that justice to his Majesty,  
 ' which every man, in a private capacity, would in  
 ' such a case, most reasonably expect from another:  
 ' If I surrender a part of my estate to my neighbour  
 ' for his conveniency, it is but reasonable he should  
 ' make good to me the damage I may sustain by  
 ' such surrender. Whether the loss his Majesty will  
 ' most certainly sustain, by taking from him those  
 ' duties which formerly belonged to him, may  
 ' be made good by the increase of some of the o-  
 ' ther duties appropriated to the civil list, is a que-  
 ' stion of a different nature: I am certain, it can-  
 ' not now be determined, whether there will be any  
 ' such increase or not; and if any such increase  
 ' should hereafter appear, then it will be time e-  
 ' nough to determine how that increase ought to be  
 ' disposed of.'

' Now, Sir, with respect to the loss his Majesty  
 ' may sustain, and the method by which the quan-  
 ' tum of that loss is to be determined, it seems a little  
 odd

odd to me, that, in order to put a value upon a loss which his Majesty must sustain, by taking from him a revenue which he has enjoyed, gentlemen should propose to put a value upon that loss, by computing the produce of a revenue which his Majesty never enjoyed : This method of computation appears to me so very extraordinary, that I think I need only put it in its true light, in order to shew that it is a method we ought not to take. But it is said, that when the Parliament, which established the present civil list revenue, were considering what duties would be sufficient for raising the revenue, which they thought was necessary for supporting his Majesty's household and family, they could not have under their consideration the produce of those duties in time to come. In this, Sir, I happen to be of a very different opinion ; for as they were considering what duties would be sufficient to raise a future revenue, I think they could consider only a future produce ; and the method in which that revenue was established, shews, that they had under their view only the future produce of those duties which they appropriated to the raising of that revenue : They considered that 800,000*l.* a year was the least that was necessary for supporting his Majesty's household and family, and the honour and dignity of the crown of *Great-Britain* ; and therefore, if the future produce of those duties, which were then appropriated towards raising that sum yearly, should fall short, they obliged themselves to make it good : The yearly sum of 800,000*l.* I say, they reckoned the least that was necessary for the purposes intended ; but then they considered, that even a larger sum might be beneficially applied to the same purposes, and therefore, in case the future produce of those duties should amount to more than 800,000*l.* a year, those surplusses were by them likewise appropriated

‘ appropriated to the civil list, and his Majesty has as  
‘ good a right to those surplusses, if any has arisen,  
‘ or should arise, as he has to any part of the  
‘ 800,000 *l.* a year.

‘ From this consideration, Sir, every gentleman  
‘ must see, that, if by any new regulation we diminish the produce of any of those duties appropriated to the civil list, we are in justice to his Majesty obliged to make good the loss which the civil list may thereby sustain; for I hope the Parliament of *Great Britain*, will never act so childish a part, as to make a grant in one year, and to take back that grant, or any part of that grant in the next; We may be obliged, for the sake of public good, to make some alterations in the grants we have made, or may hereafter make; but it is to be hoped we never shall make any such alterations without the consent of all those interested therein, or without making good the loss they may sustain. The grant of the civil list, as it now stands established, I must look upon in the same way as if one gentleman, for favour and affection, or some other consideration, should make a grant or a present to another of a ticket in the present lottery, with this condition, that if it came up a blank, he would give him 5 *l.* in lieu thereof, but if it came up a large prize, the whole should belong to the grantee. Now, if after such a grant made in the most solemn manner, the ticket should come a large prize, I should think the granter both very childish and very unjust, if he insisted upon having any share in that prize, or upon taking any part of it from the grantee, without giving him an adequate consideration. We are not now to inquire whether the duties granted to the civil list produce more than 800,000 *l.* a year, or not; but if they do really produce more, that surplus is a sort of prize we have already granted to his Majesty; and we neither can, nor ought to take  
‘ any



any part of that surplus from him, or to make any alteration by which that surplus may be diminished, without making good the loss in some other way; and that loss ought certainly to be computed from the produce of the grant since it was made, for before the grant was made, there could be no such produce.

Having now, Sir, shewn that it would be a most preposterous method of computation, to compute the loss his Majesty may sustain, from a medium of the produce of any number of years before his accession, I think I need not take any notice of those alterations which happened in the duties upon spirituous liquors, or any other duties, before that happy period; but give me leave to take some notice of that alteration or increase which happened in the year 1733, with respect to the duties on foreign brandies and spirits; and give me leave to say, that from the very nature of that increase, it appears to me evident, that it ought to be taken into the calculation, in order to increase the medium of the produce of the eight years since his Majesty's accession; because the large quantities of *Flemish* and *Dutch* brandies, that were then imported, were not all brought hither to be consumed within that year, there having been in that year no greater consumption, I believe, of such liquors than in former years: No, Sir, they were imported in order to avoid paying that high duty which was soon after to take place, and were to be lodged here as a stock in hand, in order to supply the consumption for several years then to come, therefore we must suppose that that stock, which was then thrown in upon us, has lessened the importation of such liquors, and consequently the produce of the duties upon them ever since; so that to exclude that increase from our present computation, would be doing a manifest injury to his Majesty, because it would be taking

from

‘ from him the advantage which appears upon one  
 ‘ side of the account, without making any allow-  
 ‘ ance for the loss with which that advantage is ba-  
 ‘ lanced upon the other side of the account.

‘ From these considerations, Sir, I am convinced  
 ‘ that 70,000 *l.* is the least sum the crown can lose,  
 ‘ by taking from the civil list that share it formerly  
 ‘ had of the duties on spirituous liquors; and as we  
 ‘ cannot now have any certainty that any part of  
 ‘ this loss will be made good by the increase of the  
 ‘ duties on other liquors, therefore I shall give my  
 ‘ negative to the present question, in order that the  
 ‘ question may be next put for filling up the blank  
 ‘ in this clause with the sum of 70,000 *l.* to which I  
 ‘ shall most heartily give my affirmative.’

The reply was to the following effect, *viz.*

Reply.

‘ Sir, tho’ the proper question now before us be  
 ‘ not, whether the civil list may be a loser or a  
 ‘ gainer by diminishing the consumption of spiri-  
 ‘ tuous liquors, yet we find from what has been  
 ‘ said of both sides, that it is impossible to argue  
 ‘ upon the present question, without touching a lit-  
 ‘ tle what belongs to the other; and when we do  
 ‘ come to the other, I hope to make it as plain as  
 ‘ figures can make it, that without any allowance  
 ‘ from the aggregate fund as is proposed by this  
 ‘ clause, the civil list will be a gainer by the dimi-  
 ‘ nution, or rather prohibition of the use of spiri-  
 ‘ tuous liquors by retail: But in considering this  
 ‘ question, we ought to distinguish most accurately  
 ‘ what the gentlemen of the other side seem most  
 ‘ industriously to confound: We ought to distin-  
 ‘ guish between this question, Whether the civil  
 ‘ list will be a loser by taking from it the share it  
 ‘ formerly had in the duties upon spirituous liquors?  
 ‘ And the other question, Whether the civil list  
 ‘ will,

' will, upon the whole, be a loser by diminishing  
' the consumption of spirituous liquors?

' With regard to the first of these questions, Sir,  
' it is what we have nothing to do with; for no  
' man ever doubted, but that the civil list will be a  
' loser by taking from it that share of the duties on  
' spirituous liquors, which formerly belonged to it:  
' But with regard to the other question, If the loss  
' the civil list may sustain, by diminishing the con-  
' sumption of spirituous liquors, or even by taking  
' from it the share it had formerly in the duties upon  
' such liquors; if this loss, I say, be made good to  
' the civil list, by the increase that will thereby be  
' occasioned in its share of the duties upon beer and  
' ale, and all other sorts of liquors, are we then  
' bound, either in justice or honour, to make that  
' loss a second time good to the civil list, out of that  
' fund, which is appropriated to the payment of our  
' debts, and to the relief of our people from the  
' heavy taxes they groan under? I say no, Sir; both  
' honour and justice are, in my opinion, staked  
' upon the other side of the question; and I hope  
' this house will always be upon that side, where  
' they are at stake.

' 'Tis true, Sir, that by the present establishment  
' of the civil list, there are a great many duties ap-  
' propriated towards the raising of that revenue,  
' with the proviso, that if they do not produce  
' 800,000 *l.* yearly, if there happens a deficiency,  
' we are to make it good; but if there happens an  
' increase or surplus, the whole shall belong to his  
' Majesty. This, I grant, is the present establish-  
' ment of that revenue; but this day's debate shews  
' us, the inconvenience of making such establish-  
' ments; and I am very sure, that neither his Ma-  
' jesty nor the Parliament ever thought, or ever in-  
' tended, that any of those surplusses should be in-  
' creased by any thing that might tend to the de-  
' struction of the people in general; nor was it ever

‘intended, that the Parliament, should not have it  
 ‘in its power to prevent, or to put a stop to a per-  
 ‘nicious consumption, without making good to the  
 ‘civil list the surplus that had arisen from that very  
 ‘pernicious consumption. It may as well be pre-  
 ‘tended, that if the plague should spread itself over  
 ‘*Spain* and *Portugal*, we could not prohibit com-  
 ‘merce with them, or prevent the importation of  
 ‘their wines, without making good to the civil list  
 ‘its share in the duties upon those wines, at a me-  
 ‘dium to be computed for eight years past: Where-  
 ‘as in such a case, I believe it will be granted, that  
 ‘the highest obligation we could lie under, would  
 ‘be to make the civil list good 800,000*l.* a year, in  
 ‘case the produce of the other duties appropriated  
 ‘for that purpose should fall short of that sum.

‘But, Sir, the case now under our consideration,  
 ‘stands in a much stronger light; for if all the du-  
 ‘ties appropriated to the civil list, now produce a  
 ‘million sterling yearly, the regulation we are to  
 ‘make, tho’ it may intirely take away one branch  
 ‘of that revenue, or very much diminish it, yet it  
 ‘will increase some of the others so much, that all  
 ‘together they will still produce, at least a million  
 ‘yearly; and the utmost that can be pretended, is,  
 ‘that the Parliament shall not, by any new regula-  
 ‘tion, diminish the general produce, or general sur-  
 ‘plus of the civil list revenue, as it stands at pre-  
 ‘sent, or may stand at any future period of time.  
 ‘Nay, even with respect to this general produce of  
 ‘the whole duties appropriated to the civil list, we  
 ‘ought to distinguish between those regulations,  
 ‘which may proceed from accidental misfortunes,  
 ‘or the nature of things, and those regulations which  
 ‘may proceed merely from the will and authority of  
 ‘Parliament; because his Majesty’s unaccountable  
 ‘right to this general produce, must remain subject  
 ‘to the former, though perhaps not to the latter.  
 ‘If the Parliament should discharge or give up any  
 ‘of

of the duties now appropriated to the civil list, or apply them to some other use, it might perhaps be said, that we would be obliged to make the loss good to his Majesty, even though it should be made appear, that the remaining duties would produce more than 800,000 *l.* a year: This, I say, might be said, though I am far from thinking so; but if a war or a plague, or any such misfortune, should oblige us to make a regulation, by which the produce of any one of the duties, now appropriated to the civil list, should be intirely annihilated, or very much diminished, I am sure it could not be said, that we would be obliged to make the loss good to the civil list, as long as the remaining duties produced the full sum of 800,000 *l.* a year; and the reason is plain, because this was a misfortune incident to the duty when granted, and therefore the grant of that duty must still remain liable to this misfortune.

Now, Sir, in the present case, instead of the high duties by this bill proposed, we had made a severe law against drunkenness, and had inflicted high penalties upon all those who should have got drunk, or should have allowed any person to get drunk in any of their houses, after *Michaelmas* next, and had, by such means, put an effectual stop to that pernicious practice of drinking to excess; would not such a salutary law have very much diminished the produce of most of those duties appropriated to the civil list? In which case I would gladly ask the gentlemen of the other side of the question, if they would, or can with any reason have insisted, that we were obliged to make the loss good to his Majesty, even tho' the remaining produce should still have amounted to above 800,000 *l.* a year? And again I would ask them, Wherein the difference lies between a law for prohibiting drunkenness, and a law for laying such high duties upon liquors, and to prevent its being

in



‘ in the power of most men to purchase a quantity  
‘ sufficient for making them drunk ?

‘ I shall agree with the hon. gentleman, Sir, that  
‘ if I surrender a part of my estate to my neighbour  
‘ for his convenience, it is most reasonable he should  
‘ make good to me the damage I may sustain by  
‘ such surrender : But how is this applicable to the  
‘ present case ? We do not desire any surrender, we  
‘ desire that the duties may stand appropriated as  
‘ they are at present ; and we insist upon it, that no  
‘ damage can happen to his Majesty by what we  
‘ propose : It is the gentlemen of the other side of  
‘ the question who insist upon making a surrender,  
‘ and though they know they can sustain no damage  
‘ by that surrender, yet they insist upon our paying  
‘ them what price they please to set upon it. We  
‘ have indeed given a lottery ticket, and I believe  
‘ that ticket has proved to be a benefit ticket : We  
‘ do not desire to take away any part of that benefit ;  
‘ but we find, that the very fund from which that  
‘ benefit is to arise is in danger ; and we only desire,  
‘ that those, to whom we gave this benefit ticket,  
‘ would join with us in measures for preserving that  
‘ fund : This is but reasonable ; and since this can  
‘ no way diminish the benefit they are intitled to, it  
‘ is not reasonable they should insist upon our giving  
‘ them another benefit ticket, for joining with us in  
‘ a measure, which appears to be necessary for our  
‘ mutual preservation.

‘ From what I have said, Sir, I think it is evi-  
‘ dent, that although the civil list were to suffer by  
‘ diminishing the consumption of spirituous liquors,  
‘ we are not obliged to make good the loss : But as  
‘ the blank in the clause now before us, must be fill-  
‘ ed up with some one sum or another, I shall now  
‘ consider what has been said, with respect to the  
‘ method of calculating the sum with which that  
‘ blank is to be filled up ; and as, upon the present  
‘ occasion, the establishment of the civil list has  
‘ been

' been represented to us, as a grant from the Parlia-  
 ' ment to the crown, which ought not to be touch-  
 ' ed, or in the least diminished, even for the safety  
 ' and preservation of the people, I must take notice  
 ' of one rule, observed by all courts of equity in the  
 ' world, and that is, to explain the doubtful mean-  
 ' ing of a grant, by that which may be presumed to  
 ' have been the meaning of the grantor, at the time  
 ' the grant was made. Suppose then, Sir, we had had  
 ' at that time a prophet among us, and that prophet  
 ' had informed the Parliament, that, in a few years  
 ' after, the duties on spirituous liquors would increase  
 ' considerably, and that our people would begin to  
 ' drink so excessively of such liquors, that for the  
 ' preservation of the people it would become neces-  
 ' sary to put a stop to that excess: Suppose that,  
 ' upon such information, a question had arisen in  
 ' that Parliament, for obliging any future Parlia-  
 ' ment, that might find it necessary to put a stop to  
 ' that excess, to make good to the civil list its share  
 ' in those duties, according to the value it should  
 ' arise to by that excess, and according to a compu-  
 ' tation to be made, at the very time when that ex-  
 ' cess was to be at its highest pitch. Can we ima-  
 ' gine, that such a question would have met with  
 ' any reception in that Parliament, or in any Par-  
 ' liament? And if we cannot suppose it would, can  
 ' we presume that, That Parliament meant, or in-  
 ' tended to give his Majesty such an indelible right  
 ' to the increase that might happen by the extrava-  
 ' gance of the people, in any of those duties then  
 ' appropriated to the civil list, that it should not be  
 ' in the power of any future Parliament to put a stop  
 ' to the extravagance of the people, without making  
 ' good to his Majesty's civil list the increase that had  
 ' arisen by that extravagance?

' To illustrate this matter still a little more clear-  
 ' ly, suppose, Sir, that Parliament which establish-  
 ' ed the civil list had laid a duty upon laudanum,

‘ in the power of most men to purchase a quantity  
 ‘ sufficient for making them drunk ?

‘ I shall agree with the hon. gentleman, Sir, that  
 ‘ if I surrender a part of my estate to my neighbour  
 ‘ for his convenience, it is most reasonable he should  
 ‘ make good to me the damage I may sustain by  
 ‘ such surrender : But how is this applicable to the  
 ‘ present case ? We do not desire any surrender, we  
 ‘ desire that the duties may stand appropriated as  
 ‘ they are at present ; and we insist upon it, that no  
 ‘ damage can happen to his Majesty by what we  
 ‘ propose : It is the gentlemen of the other side of  
 ‘ the question who insist upon making a surrender,  
 ‘ and though they know they can sustain no damage  
 ‘ by that surrender, yet they insist upon our paying  
 ‘ them what price they please to set upon it. We  
 ‘ have indeed given a lottery ticket, and I believe  
 ‘ that ticket has proved to be a benefit ticket : We  
 ‘ do not desire to take away any part of that benefit ;  
 ‘ but we find, that the very fund from which that  
 ‘ benefit is to arise is in danger ; and we only desire,  
 ‘ that those, to whom we gave this benefit ticket,  
 ‘ would join with us in measures for preserving that  
 ‘ fund : This is but reasonable ; and since this can  
 ‘ no way diminish the benefit they are intitled to, it  
 ‘ is not reasonable they should insist upon our giving  
 ‘ them another benefit ticket, for joining with us in  
 ‘ a measure, which appears to be necessary for our  
 ‘ mutual preservation.

‘ From what I have said, Sir, I think it is evi-  
 ‘ dent, that although the civil list were to suffer by  
 ‘ diminishing the consumption of spirituous liquors,  
 ‘ we are not obliged to make good the loss : But as  
 ‘ the blank in the clause now before us, must be fill-  
 ‘ ed up with some one sum or another, I shall now  
 ‘ consider what has been said, with respect to the  
 ‘ method of calculating the sum with which that  
 ‘ blank is to be filled up ; and as, upon the present  
 ‘ occasion, the establishment of the civil list has  
 ‘ been

' been represented to us, as a grant from the Parlia-  
 ' ment to the crown, which ought not to be touch-  
 ' ed, or in the least diminished, even for the safety  
 ' and preservation of the people, I must take notice  
 ' of one rule, observed by all courts of equity in the  
 ' world, and that is, to explain the doubtful mean-  
 ' ing of a grant, by that which may be presumed to  
 ' have been the meaning of the grantor, at the time  
 ' the grant was made. Suppose then, Sir, we had had  
 ' at that time a prophet among us, and that prophet  
 ' had informed the Parliament, that, in a few years  
 ' after, the duties on spirituous liquors would increase  
 ' considerably, and that our people would begin to  
 ' drink so excessively of such liquors, that for the  
 ' preservation of the people it would become neces-  
 ' sary to put a stop to that excess: Suppose that,  
 ' upon such information, a question had arisen in  
 ' that Parliament, for obliging any future Parlia-  
 ' ment, that might find it necessary to put a stop to  
 ' that excess, to make good to the civil list its share  
 ' in those duties, according to the value it should  
 ' arise to by that excess, and according to a compu-  
 ' tation to be made, at the very time when that ex-  
 ' cess was to be at its highest pitch. Can we ima-  
 ' gine, that such a question would have met with  
 ' any reception in that Parliament, or in any Par-  
 ' liament? And if we cannot suppose it would, can  
 ' we presume that, That Parliament meant, or in-  
 ' tended to give his Majesty such an indelible right  
 ' to the increase that might happen by the extrava-  
 ' gance of the people, in any of those duties then  
 ' appropriated to the civil list, that it should not be  
 ' in the power of any future Parliament to put a stop  
 ' to the extravagance of the people, without making  
 ' good to his Majesty's civil list the increase that had  
 ' arisen by that extravagance?

' To illustrate this matter still a little more clear-  
 ' ly, suppose, Sir, that Parliament which establish-  
 ' ed the civil list had laid a duty upon laudanum,  
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‘ and had appropriated that duty to the civil list :  
 ‘ Suppose that, in a few years after, the use of lau-  
 ‘ danum should have become more general and more  
 ‘ excessive in this nation than ever it was in *Turky* ;  
 ‘ insomuch that multitudes of our people should  
 ‘ have been every day found in the streets murder-  
 ‘ ed, by the excessive use of that poison ; and that,  
 ‘ by this general and excessive consumption, the du-  
 ‘ ties upon it should have occasioned a vast increase  
 ‘ in his Majesty’s civil list revenue, will any gentle-  
 ‘ man pretend, that the Parliament could not make  
 ‘ any regulation for preventing the abuse of that poi-  
 ‘ son, without making good to his Majesty the in-  
 ‘ crease in the civil list revenue, that had been occa-  
 ‘ sioned by that abuse ? Is not this the very case with  
 ‘ respect to spirituous liquors ? Therefore I am sur-  
 ‘ prised to hear it said, that we cannot put a stop  
 ‘ to, or prevent the abuse of such liquors, without  
 ‘ making good to his Majesty the increase in the  
 ‘ civil list revenue, that has been occasioned by that  
 ‘ very abuse ?

‘ Thus, Sir, I think I have fully shewn, what  
 ‘ could not be the meaning or intention of the Par-  
 ‘ liament, when they granted to his Majesty the  
 ‘ whole produce of those duties they appropriated to  
 ‘ the civil list ; but now let us inquire a little what  
 ‘ may be presumed to have been their intention :  
 ‘ For my own part, I believe the only meaning or  
 ‘ intention they had, was a good-natured one, to  
 ‘ give his Majesty’s ministers a little more latitude  
 ‘ in the disposal of the civil list revenue, and to pre-  
 ‘ vent their being put to the trouble of laying the  
 ‘ accounts of that revenue yearly before Parliament.  
 ‘ But suppose they meant to grant his Majesty a right  
 ‘ to the whole produce of those duties as it then  
 ‘ stood, according to the calculations they had made,  
 ‘ which is the utmost that can be supposed they  
 ‘ meant. Upon this supposition, in order to know  
 ‘ what his Majesty has a right to by that grant, we  
 ‘ must



‘ must examine into the calculations they may have  
‘ been supposed to have made for ascertaining, or  
‘ at least guessing at the value of what they were  
‘ about to grant. In this case we are told, that as  
‘ they were considering what duties would be suffi-  
‘ cient to raise a future revenue, they could have un-  
‘ der their consideration only a future produce. I  
‘ am sorry, Sir, to hear such a manner of arguing  
‘ in a matter of such consequence: For the raising  
‘ of a future revenue, to be sure a future produce  
‘ must be applied; but when people are considering  
‘ and calculating what the amount of that future  
‘ produce may be, and whether it will be sufficient  
‘ to raise such a future revenue, surely their calcula-  
‘ tions must be founded upon their experience of  
‘ what is past, or upon their knowledge of what is  
‘ then present: If it is a new duty, they found their  
‘ calculations on what is then supposed to be the  
‘ quantity or the value of the goods, made liable to  
‘ that new duty; and if it is an old duty, they al-  
‘ ways consider the produce of that duty for such a  
‘ number of years past, and from thence calculate  
‘ what it may produce in time to come; therefore  
‘ we cannot suppose that the Parliament which esta-  
‘ blished the civil list, granted, or intended to grant  
‘ any more than a share of the produce of the duties  
‘ upon spirituous liquors at a medium, calculated for  
‘ seven or eight years before his Majesty’s accession;  
‘ and for this reason, supposing that we are obliged  
‘ to make that grant good to his Majesty, which I  
‘ am far from thinking, the sum we are now to give  
‘ to the civil list, for making that grant good, ought  
‘ to be taken from a medium, calculated for seven  
‘ or eight years before his Majesty’s accession, and  
‘ not from a medium since his Majesty’s accession,  
‘ which has been greatly increased by the very abuse  
‘ we are now about to rectify.

‘ It has likewise been said, Sir, that it seems a  
 ‘ little odd for gentlemen to propose putting a value  
 ‘ upon the loss his Majesty may sustain, by taking  
 ‘ from him a revenue which he has enjoyed, by  
 ‘ computing the produce of a revenue he never en-  
 ‘ joyed. Surely every gentleman must see the fal-  
 ‘ lacy of this argument: We do not desire to take  
 ‘ any revenue from his Majesty, and therefore we  
 ‘ are not to compute the loss he may sustain by the  
 ‘ taking of any revenue from him; but if any re-  
 ‘ venue be taken from him, the Parliament we say  
 ‘ is obliged to make it good only according to that  
 ‘ value which was put upon it by the Parliament  
 ‘ that granted it, and not according to the increased  
 ‘ value it may since have arisen to, by an abuse  
 ‘ which ought, long before this time, to have been  
 ‘ effectually prevented.

‘ With respect, Sir, to the great increase of fo-  
 ‘ reign brandies and spirits, that happened in the  
 ‘ year, 1733, by the great importation of *French*  
 ‘ brandies under the name of *Flemish*; I shall readi-  
 ‘ ly grant that they were not imported for imme-  
 ‘ diate consumption, but in order to remain, and be  
 ‘ kept here as a stock in hand; nay I must go far-  
 ‘ ther, I must suppose, that all or most of them still  
 ‘ remain here as a stock in hand, I cannot suppose,  
 ‘ that any great quantity of them has yet been con-  
 ‘ sumed, because the duties upon foreign brandies  
 ‘ have been as high in the years, 1734, and 1735, as  
 ‘ they were in any two years before 1733. And  
 ‘ the reason of this may be easily assigned; for as  
 ‘ the merchants at *Dunkirk* were obliged to make  
 ‘ their importations in 1733, in a great hurry, they  
 ‘ had not time to send to *Nantz* and other places of  
 ‘ *France* for old brandies, therefore they run in upon us  
 ‘ all the new brandies they had in their cellars at *Dun-*  
 ‘ *kirk*; but as these new brandies could not be fit to be  
 ‘ drank in the years 1734 or 1735, our consumption  
 ‘ for these two years was supplied by new importa-

tions

' tions of old brandies from *France*: From whence  
 ' we must reckon, that the great importation in the  
 ' year 1733, has no ways lessened the duties upon  
 ' foreign brandies or spirits for these last two years,  
 ' but may very probably do so for two or three  
 ' years to come; and therefore we must grant that  
 ' to include the increase of those duties in the year  
 ' 1733, in our present computation, is reckoning all  
 ' the advantage which happened by that casual im-  
 ' portation to the account of the civil list, in order  
 ' to bring a double loss upon the sinking fund; for  
 ' that sacred fund is to be charged with near 4000 *l.*  
 ' a year, during his Majesty's life, more than it  
 ' would have been charged with, if no such extraor-  
 ' dinary importation had ever happened; and by  
 ' that extraordinary importation, and the decrease in  
 ' the duties on foreign brandies, which must there-  
 ' by be occasioned for several years to come, that  
 ' fund, to which those duties are now to be appro-  
 ' priated, must lose a very considerable sum.'

At last the question being put, for filling up the Division.  
 blank with the sum of 43,000 *l.* it was upon a di-  
 vision carried in the negative, by 211 to 109; and  
 then the question being put for filling up the blank  
 with the sum of 70,000 *l.* it was carried in the affir-  
 mative without a division.

On *Wednesday* the 14th of *April*, the amend-  
 ments made by the Committee to the bill were re-  
 ported to the house, and all read a first time; after  
 which most of them were read a second time, and  
 agreed to by the house without any debate; but  
 when they came to the above-mentioned clause for  
 giving 70,000 *l.* to the civil list, a proposition was  
 made for altering that clause, and for settling it in  
 such a manner, that if the whole hereditary and tem-  
 porary excise, should in any one year after that time  
 fall short of what it had produced upon a medium,

New propo-  
 sition in re-  
 lation to the  
 civil list

‘ to be computed from his Majesty’s accession to that  
 ‘ time, that deficiency should be made good by the  
 ‘ next session of Parliament.

This occasioned a new debate, in which the arguments for the proposition, and against the clause as it stood, were in substance as follows; *viz.*

Argument  
 in favour of  
 it, and against the  
 clause.

‘ Sir, by the clause as it stands at present, we are  
 ‘ to make a new grant to the civil list of 70,000*l.*  
 ‘ a year during his Majesty’s life: Now there can  
 ‘ be but two reasons for our making this new grant:  
 ‘ It must be either, because we suppose that the present  
 ‘ amount of the civil list revenue, will be diminished  
 ‘ in a sum equal to 70,000*l.* a year, by  
 ‘ the regulation we are about to make; or it must  
 ‘ be, because we suppose, that the present amount of  
 ‘ the civil list revenue, is not sufficient for supporting  
 ‘ his Majesty’s household and family, and that  
 ‘ therefore we ought to grant an addition of 70,000*l.*  
 ‘ a year to that revenue, I may say, in all time  
 ‘ to come. These are the only two reasons that  
 ‘ can be assigned, and if both of them appear to be  
 ‘ without any foundation, we cannot surely agree to  
 ‘ this clause as it now stands.

‘ To suppose, that the present amount of the civil  
 ‘ list revenue, will be diminished in a sum equal to  
 ‘ 70,000*l.* by the regulation we are about to make,  
 ‘ is contrary to fact, and contrary to experience:  
 ‘ For supposing the civil list’s share in the duties on  
 ‘ spirituous liquors, upon a just computation, does  
 ‘ amount to 70,000*l.* yearly, yet we may be convinced  
 ‘ by experience, that the consumption of beer  
 ‘ and ale, will always increase, in proportion as the  
 ‘ consumption of spirituous liquors decreases; and  
 ‘ as the civil list has a much greater share of the  
 ‘ duties on beer and ale, than it has of the duties  
 ‘ on spirituous liquors, it is, in my opinion, certain,

‘ that

‘ that the civil list will get an increase of more than  
 ‘ 70,000 *l.* a year, by that increase of the duties  
 ‘ upon beer and ale, which will be occasioned by  
 ‘ the regulation proposed by this bill.

‘ To confirm what I have said, Sir, let us look  
 ‘ into the accounts that are upon our table, and from  
 ‘ them we shall find, that the amount of the duties  
 ‘ upon beer and ale, has constantly and regularly  
 ‘ decreased, as the amount of the duties upon spiri-  
 ‘ tuous liquors has increased for these several years  
 ‘ backwards. In the year ending at *Midsummer*,  
 ‘ 1725, the excise on beer and ale produced  
 ‘ 1,094,953 *l.* in the same year, the duties on home  
 ‘ made spirits produced but 88,622 *l.* From that  
 ‘ time to *Midsummer* 1729, half a year before the  
 ‘ late gin act took place, the duties on home made  
 ‘ spirits gradually increased, and accordingly, the  
 ‘ excise on beer and ale gradually decreased; so that  
 ‘ in the year ending at *Midsummer* 1729, the former  
 ‘ produced 104,373 *l.* whereas the latter produced  
 ‘ but 963,763 *l.* which was 131,190 *l.* less than it  
 ‘ produced in the year ending at *Midsummer* 1725.

‘ In the year 1729, the late famous act against  
 ‘ geneva, and other compound spirits was passed,  
 ‘ and tho’ that act was evaded, by the sale of a new  
 ‘ sort of spirit, called Parliament brandy, yet, in-  
 ‘ effectual as it was, it diminished a little the con-  
 ‘ sumption of spirituous liquors, and consequently,  
 ‘ the produce of the duties on such liquors; so that  
 ‘ in the year ending at *Midsummer* 1732, they pro-  
 ‘ duced but 100,025 *l.* which was 4,348 *l.* less than  
 ‘ they produced in 1729. But as to the excise upon  
 ‘ beer and ale, what was the consequence? As soon  
 ‘ as that act passed, that excise began to increase, so  
 ‘ that in the year ended at *Midsummer* 1732, it pro-  
 ‘ duced 1,071,240 *l.* which is 107,477 *l.* more than  
 ‘ it produced in 1729.



' Again, Sir, upon the repeal of the late gin act,  
 ' the consumption of spirituous liquors began to in-  
 ' crease, and consequently, the produce of the duties  
 ' on such liquors; so that in the year ended at *Mid-*  
 ' *summer* last, they produced 154,094 *l.* and the con-  
 ' sequence, with respect to the excise on beer and ale  
 ' we find to be same; for in the year ended<sup>a</sup> at  
 ' *Midsummer* last, it produced but 1,021,370 *l.*  
 ' which is 49,870 *l.* less than it produced in 1732:  
 ' From all which, Sir, I think it is as plain as figures  
 ' can make it, that the consumption of beer and ale  
 ' has hitherto always decreased or increased, as the  
 ' consumption of spirituous liquors has increased or  
 ' decreased; and as that has been the case in all time  
 ' past, we must suppose it will be the case in all time  
 ' to come.

' This then being laid down as a maxim confirm-  
 ' ed by experience, let us consider how greatly, I  
 ' may almost say, how intirely the consumption, not  
 ' only of home made spirits, but of all spirits, will  
 ' be diminished by the bill now before us; and what  
 ' an increase that will make in the consumption of  
 ' beer and ale; but that I may not be accused of  
 ' any extravagant calculations, I shall suppose that  
 ' the consumption of spirituous liquors, may here-  
 ' after be but one third less than it was before, the  
 ' natural inference from thence is, that the consump-  
 ' tion of beer and ale will be one third more than it  
 ' was, and consequently, that the excise on beer and  
 ' ale will, from the time this bill takes place, pro-  
 ' duce about one third more yearly, than it produced  
 ' in the year ended at *Midsummer* last, which is  
 ' 340,456 *l.* but still farther, that I may be as mo-  
 ' dest as possible in my calculations, I shall suppose,  
 ' that upon the consumption of spirituous liquors  
 ' growing less by one third, the consumption of beer  
 ' and ale should increase but one sixth more than it  
 ' was before; even by this supposition, there must be  
 ' a yearly increase in the excise on beer and ale, of

' one

‘ one sixth more than it produced in the year ended  
‘ at *Midsummer* last, which is 170,228 *l.* yearly ;  
‘ and as very near one half of the excise on beer  
‘ and ale stands appropriated to the civil list, conse-  
‘ quently one half of this increase in the excise on  
‘ beer and ale, being 85,114 *l.* yearly, must accrue  
‘ to the civil list, which is 15,114 *l.* a year, more  
‘ than it can be supposed to lose, by taking from it  
‘ the share it formerly had in the duties on spiri-  
‘ tuous liquors.

‘ From these calculations, Sir, which are all taken  
‘ from accounts lying upon your table, I think it is  
‘ evident, even to a demonstration, that the present  
‘ amount of the civil list revenue will not be dimi-  
‘ nished, but on the contrary, that it will be a gainer  
‘ at least 15,114 *l.* by the regulation we are now  
‘ about to make. I know it may be said, that these cal-  
‘ culations are founded upon facts, which are in their  
‘ nature uncertain, and that, tho’ they have formerly  
‘ fallen out in the manner I have represented, we can-  
‘ not be sure of their falling out in the same manner  
‘ hereafter ; yet I hope it will be granted, there is a  
‘ strong probability of their falling out in the same  
‘ manner hereafter, as they have done heretofore: The  
‘ same causes generally produce the same effects; and  
‘ unless we have really a mind to grant a new addi-  
‘ tional revenue to the civil list; this probability  
‘ ought to be a prevailing argument with us, at least,  
‘ to agree to the proposition now made ; for tho’  
‘ it has been insinuated, that the Parliament may  
‘ hereafter call for an account, and dispose of the  
‘ increase that may arise in the excise on beer and  
‘ ale, we know, and the case now in hand may con-  
‘ vince us, how difficult it is for the Parliament to  
‘ re-assume any revenue, or any part of any revenue,  
‘ that has been once granted to, and established as a  
‘ part of the civil list. If it should hereafter ap-  
‘ pear, that the civil list has got 100,000 *l.* a year,  
‘ or perhaps 200,000 *l.* a year, which may proba-  
‘ bly

' bly be the case, by the increase of the excise on  
 ' beer and ale, occasioned by this bill, I am very  
 ' certain, if we agree to this clause, as it now stands,  
 ' the Parliament will never be able to lay hold of  
 ' any part of that increase, in order to apply it to  
 ' the aggregate fund, for making good the 70000 *l.*  
 ' a year, to be taken from that fund by this clause;  
 ' nay, I question much, if any future Parliament  
 ' will be able to re-assume that 70,000 *l.* a year, or  
 ' to discharge the aggregate fund from the future  
 ' payment of it, tho' it should then be made ap-  
 ' pear, that the excise had actually increased, as  
 ' plainly as I have now made it appear, that it pro-  
 ' bably will.

' This difficulty, Sir, may be prevented by our  
 ' agreeing to the proposition now made to us; and  
 ' by our settling the clause in the manner proposed  
 ' the civil list may be a gainer, but it is impossible  
 ' it can be a loser, even with respect to the surplus  
 ' it may now have above 800,000 *l.* a year; which  
 ' surplus, we have been told, the civil list has as  
 ' good a right to, as it has to any part of the 800,  
 ' 000 *l.* a year: But I widely differ from the honou-  
 ' rable gentleman who told us so; for if the duties  
 ' appropriated to the civil list, now produce a mil-  
 ' lion yearly, and those duties should by any acci-  
 ' dent produce hereafter but 850,000 *l.* yearly, the  
 ' Parliament, according to the present establishment  
 ' of the civil list, would not be obliged to make  
 ' good so much as one shilling of that decrease;  
 ' whereas if they should hereafter produce but 750,  
 ' 000 *l.* yearly, or any sum less than 800,000 *l.* the  
 ' Parliament stands obliged to make good whatever  
 ' they may produce yearly less than that 800,000 *l.*  
 ' so that there it at least this difference between the  
 ' 800,000 *l.* establishment, and the 200,000 *l.* sur-  
 ' plus, that the Parliament now stands obliged to  
 ' make good the 800,000 *l.* establishment, but does  
 ' not now stand obliged to make good one shilling

of

of the 200,000 *l.* surplus; therefore it can by no means at present be said, that the civil list has as good a right to the surplus, as it has to the establishment: But, Sir, if we agree to the proposition now made, the civil list will then really have as good a right to the present surplus, whatever it may be, as it has to the establishment of 800,000 *l.* yearly; for which reason, if this proposition be not agreed to, I must conclude, that the 70,000 *l.* appropriated to the civil list, by the clause as it stands at present, is designed as a new additional revenue to the civil list, and not as a compensation for the loss it may sustain by the regulation we are about to make.

This, Sir, leads me naturally to the next, and the only other reason that can be assigned or supposed, for our agreeing to the clause as it now stands, which is, because we suppose, that the present amount of the civil list revenue is not sufficient for supporting his Majesty's household and family, and that therefore we ought to grant an addition of 70,000 *l.* a year to that revenue, during his Majesty's life at least, but I may say in all time to come; for I do not find an instance, where less has been granted to a successor, than had been formerly enjoyed by his ancestor. Now, Sir, as to this reason, whatever the gentlemen, who are immediately concerned in the disposal of the civil list revenue, may suppose, I am very certain, his Majesty does not suppose any such thing; because, if he had ever supposed any such thing, he would certainly have communicated the same to his Parliament, either by a speech from the throne, or by a solemn message, and would have desired such an addition from them, as he thought necessary. There is no other way by which his Majesty can communicate any such want to his Parliament, and until he does it in this manner, no gentleman, as a member of this house, can suppose,

2

‘ nay,

‘ nay, as a trustee for the people, he is bound not to  
 ‘ suppose, that his Majesty stands in need of any  
 ‘ addition to his civil list revenue, or to any other  
 ‘ revenue: This therefore can be no reason for us, as  
 ‘ members of this house, to agree to the clause as it  
 ‘ stands now before us; and I hope this house will  
 ‘ never, without very strong and public reasons, take  
 ‘ such a large sum of money from that fund, which  
 ‘ is appropriated for the payment of our debts, and  
 ‘ for freeing the people from that heavy load of  
 ‘ taxes they now groan under.’

To this it was answered in substance as follows,  
*viz.*

Answer.

‘ The question now before us, Sir, has been al-  
 ‘ ready so fully debated, that we need not go about  
 ‘ to seek for any other reason for agreeing to it,  
 ‘ than that which is the true one, and which has  
 ‘ been already set in so clear a light, that I am sur-  
 ‘ prised to hear any new difficulties started, or ra-  
 ‘ ther, I should say, those difficulties renewed,  
 ‘ which have before been fully removed. The true  
 ‘ and the only reason for our agreeing to the clause,  
 ‘ as it now stands, is, that by the very preceding  
 ‘ clause we are to take from the civil list, and ap-  
 ‘ propriate to the aggregate fund, a revenue which,  
 ‘ upon a medium since his Majesty’s accession, has  
 ‘ brought in 70,000 *l.* a year: This being the true  
 ‘ state of the case, is it not evident, that the civil list  
 ‘ will lose at least 70,000 *l.* a year by the regulations  
 ‘ we are now about to make? And as we are to take  
 ‘ that yearly sum from the civil list, and appropri-  
 ‘ ate it to the aggregate fund, is it not most just  
 ‘ and reasonable, that we should charge the aggre-  
 ‘ gate fund with the payment of that sum yearly to  
 ‘ the civil list? ’Tis true, as the produce of the duties  
 ‘ upon spirituous liquors, will certainly be very much  
 ‘ diminished by this new regulation. the aggregate



‘ fund may not perhaps receive so much yearly, by  
 ‘ the share the civil list formerly had in those du-  
 ‘ ties ; but this signifies nothing to the present que-  
 ‘ stion ; for if we were to take off any of our taxes,  
 ‘ now appropriated to the civil list, or to the pay-  
 ‘ ment of the interest growing due upon any of our  
 ‘ debts, we would be obliged to charge the aggre-  
 ‘ gate fund, or some part of the sinking fund, with  
 ‘ the deficiency thereby occasioned, though that fund  
 ‘ should get nothing to answer the new charge laid  
 ‘ upon it.

‘ But we are told, Sir, that if the civil list be a  
 ‘ loser, by taking from it its share in the duties on  
 ‘ spirituous liquors, that loss will be fully made good  
 ‘ by the increase in the excise on beer and ale, which  
 ‘ will naturally be occasioned by the new regulation  
 ‘ we are now about to make. Sir, whatever in-  
 ‘ crease may happen hereafter in the excise on beer  
 ‘ and ale, the civil list has a right to its share of that  
 ‘ increase, without any new grant from us, nor can  
 ‘ we take that right from it without doing a ma-  
 ‘ nifest injustice ; so that it appears to me a little  
 ‘ extraordinary to say, that the loss of that right  
 ‘ the civil list now has to a share of the duties on  
 ‘ spirituous liquors, will be compensated, or made  
 ‘ good, by another right it was before intitled to,  
 ‘ and which we neither could give nor take from  
 ‘ it.

‘ But, Sir, to wave this argument for the present,  
 ‘ and to suppose, that a right which we do not give,  
 ‘ may be a compensation for a right which we actu-  
 ‘ ally take away, I cannot think it would be just in  
 ‘ us to take from the civil list a certain revenue of  
 ‘ 70,000 *l.* a year, and give nothing in return but  
 ‘ an uncertain produce, which may, for what we  
 ‘ know, be worth little or nothing ; for even by the  
 ‘ very calculations that have been mentioned of the  
 ‘ other side, it appears, that the excise on beer and  
 ‘ ale, does not always increase or decrease, in pro-  
 ‘ portion

' portion as the duties on spirituous liquors decrease  
 ' or increase. In the year 1729, the duties on the  
 ' latter produced but 104,373 *l.* whereas in the year  
 ' 1735 they produced 154,094 *l.* from whence we  
 ' ought to conclude, that the produce of the excise  
 ' on beer and ale was much higher in the year 1729,  
 ' than it was in the year 1735; yet we find, that  
 ' in 1729, the excise produced but 963,763 *l.* and  
 ' that in the year ended at *Midsummer* last, 1735, it  
 ' produced 1,021,370 *l.* which is 57,607 *l.* more  
 ' than it produced in 1729.

' This shews, Sir, that the proportion between the  
 ' increase or decrease of the one, and the decrease or  
 ' increase of the other, does not always hold; and  
 ' in fact it has certainly always been, and will al-  
 ' ways be so; the increase or decrease of the excise  
 ' upon beer or ale, as well as the increase or de-  
 ' crease of the duties on spirituous liquors, depend  
 ' upon so many other accidents, that they cannot  
 ' depend intirely upon one another, nor can any man  
 ' guess at the increase of the one, from any know-  
 ' ledge he may have of the decrease of the other. I  
 ' shall mention only one accident, which was, I be-  
 ' lieve, the chief reason of the decrease of the excise  
 ' on beer and ale in the year 1729. It happened  
 ' in that year the price of all sorts of corn, especi-  
 ' ally malt, was much higher than it was for several  
 ' years before or since; and for this reason we may  
 ' suppose, none of our brewers brewed any more  
 ' beer or ale in that year, than what was absolutely  
 ' necessary for the immediate consumption; none of  
 ' them brewed any large quantity for staling, as they  
 ' call it; whereas in a year when the price is low,  
 ' they all brew great quantities, which they keep by  
 ' them as a stock in hand, to be ready to answer  
 ' any future demand: This is more particularly the  
 ' case, with respect to those sorts of strong beer or  
 ' ale, which the brewer may keep several years in his  
 ' cellars, and is generally the better the longer it is  
 ' kept;

kept; and to this accident, I believe, we ought chiefly to ascribe the great decrease in the excise on beer and ale in the year 1729.

Sir, I am so far from thinking, that the increase or decrease in the consumption of beer and ale, depends upon the decrease or increase in the consumption of spirituous liquors, that I believe they generally increase or decrease together; it is not the consumption of either of these liquors, that is necessary for the support of nature, which raises the excise to its present height: It is the consumption occasioned by the debauches and extravagancies of the people, and these debauches and extravagancies depend upon so many accidents, that it is impossible to account for them in time past, or to guess at the consumption that may be thereby occasioned in time to come. But I am persuaded, that nothing will tend more to the preventing those debauches and extravagancies in time to come, and to the rendering our people sober, frugal and industrious, than the removing out of their way the many temptations they are now exposed to, by the great number of gin-shops, and other places, for the retail of spirituous liquors; for before a man becomes flustered with beer or ale, he has time to reflect, and to consider the many misfortunes to which he exposeth himself and his family, by idling away his time at an alehouse; whereas any spirituous liquor in a moment deprives him of all reflection, so that he either gets quite drunk at the gin-shop, or runs to the alehouse and there finishes his debauch, or at least empties his pocket. From hence, Sir, I think it most natural to conclude, that the bill now under our consideration, if it passes into a law, will diminish the consumption of beer and ale, and consequently the produce of the excise on those liquors, as well as the consumption of spirituous liquors, and the produce of the duty on them.

‘ I come now, Sir, to the proposition this day  
‘ made to us, which I must say I look on as a very  
‘ extraordinary one; because it would intirely alter  
‘ the very nature of that grant of the civil list, which  
‘ was made to his Majesty in the first year of his  
‘ reign; and I wonder how gentlemen can propose  
‘ making any such alteration in that grant, without  
‘ his Majesty’s consent: I think they should, at least,  
‘ in decency, have ushered it in with a motion for  
‘ an address to his Majesty, humbly to pray, that  
‘ he would give his consent to their making such  
‘ an alteration; for by the establishment of the civil  
‘ list, as it stands at present, and as it was granted  
‘ to his Majesty in the first year of his reign, he is  
‘ to have, during his life, the produce of all those  
‘ duties then appropriated to that revenue without  
‘ any account; yet now it is modestly proposed,  
‘ that he should from henceforth be obliged to give  
‘ an account every year to Parliament, of the pro-  
‘ duce of every one of those duties, or otherwise to  
‘ lose at least a part of the benefit of that establish-  
‘ ment which was intended, and was actually grant-  
‘ ed to him by Parliament in the first year of his  
‘ reign: Having thus, Sir, put this proposition in  
‘ its true and genuine light, I am convinced I need  
‘ not give the house the trouble of any argument to  
‘ shew, that we cannot come to any such resolution,  
‘ or agree to such a clause in any bill, without his  
‘ Majesty’s consent; and as I have shewn that there  
‘ is no certainty that the civil list will be a gainer by  
‘ the increase of the excise on beer and ale, but, on  
‘ the contrary, that there is a probability that it will  
‘ be a loser by the decrease of that excise, I think  
‘ there arises from thence, a sufficient reason for our  
‘ making good to his Majesty the loss he must sustain,  
‘ by taking from the civil list its share in the duties  
‘ on spirituous liquors; therefore I shall add no more,  
‘ but declare that I am most heartily for agreeing to  
‘ the clause as it now stands.’

The

The reply was to this effect, *viz.*

‘ Sir, from some of the arguments now made use <sup>Reply,</sup>  
 ‘ of, I think we may already begin to see the truth  
 ‘ of what was foretold in the beginning of this de-  
 ‘ bate. We were then foretold, Sir, that if it  
 ‘ should hereafter appear, that the civil list had got  
 ‘ 200,000 *l.* a year additional revenue, by the in-  
 ‘ crease of the excise on beer and ale, occasioned by  
 ‘ this bill, the Parliament would never be able to  
 ‘ lay hold of any part of that increase, or even to  
 ‘ reassume the 70,000 *l.* annuity we are now to  
 ‘ grant, upon a supposition that the civil list will get  
 ‘ nothing by any such increase of the excise on beer  
 ‘ and ale. The truth of this, I say, Sir, begins al-  
 ‘ ready to appear; for the hon. gentleman has told  
 ‘ us, that by increasing the consumption of beer and  
 ‘ ale, and consequently the excise on those liquors,  
 ‘ we give nothing to the civil list but what it had  
 ‘ before a right to; whereas by diminishing, or tak-  
 ‘ ing from the civil list its share in the duties on spi-  
 ‘ rituous liquors, we take from it what it had for-  
 ‘ merly a right to, and that therefore we cannot pre-  
 ‘ tend to compensate a right which we actually take  
 ‘ away, by a right which we do not give. This, I  
 ‘ think, is the argument; and if this can be justly  
 ‘ admitted as an argument for our agreeing to this  
 ‘ clause, it must always be a much stronger argu-  
 ‘ ment against the Parliament’s ever pretending to  
 ‘ take any part of the increase that may be occasion-  
 ‘ ed in the excise, or to reassume the 70,000 *l.* an-  
 ‘ nuity we are now to establish.

‘ Although I have never yet admitted, nor can  
 ‘ admit, that the civil list’s share in the duties on  
 ‘ spirituous liquors ought to be computed at 70,000 *l.*  
 ‘ yet now, Sir, I shall take it for granted, because  
 ‘ it signifies nothing to the present dispute; for the  
 ‘ principal questions now in dispute I take to be,  
 ‘ whether the civil list has such an absolute right to



‘ that share, that we can make no regulations where-  
 ‘ by the value of that share may be diminished,  
 ‘ without granting a compensation from some other  
 ‘ fund? And the next question I take to be, whe-  
 ‘ ther, if by the same regulation, the value of the  
 ‘ civil list’s share in some other duties or excises be  
 ‘ increased, we may not, in justice and equity, in-  
 ‘ sist upon it, that the advantage occasioned in the  
 ‘ one case may be admitted, so far as it will amount,  
 ‘ as a compensation for the loss in the other.

‘ As to the first question, Sir, ’tis true, the crown  
 ‘ has a right to the whole produce of certain duties  
 ‘ appropriated to the civil list, but that right is to  
 ‘ be considered in a two-fold respect. The crown  
 ‘ has a right to the whole produce of all those  
 ‘ duties, so far as may amount to the yearly  
 ‘ sum of 800,000 *l.* without being subject to any  
 ‘ accident or contingency whatsoever; because,  
 ‘ if the produce should not amount to that sum  
 ‘ yearly, the Parliament stands obliged to make it  
 ‘ good; and if the whole produce of those duties  
 ‘ shall amount to more than 800,000 *l.* the crown  
 ‘ has likewise a right to the surplus, but that right  
 ‘ is subject to all accidents and contingencies, be-  
 ‘ cause if that surplus should be by any accident di-  
 ‘ minished, the Parliament is not obliged to make  
 ‘ it good: Now, Sir, among the many accidents to  
 ‘ which that surplus, in its own nature, remains lia-  
 ‘ ble, surely this is one, That it may hereafter be-  
 ‘ come necessary for the welfare, perhaps for the  
 ‘ preservation of the nation, to prevent or put a stop  
 ‘ to the consumption of some commodities, the du-  
 ‘ ties upon which contribute towards the producing  
 ‘ of this surplus: Would the Parliament be obliged,  
 ‘ in such a case, to make that surplus good; or to  
 ‘ establish any other fund for compensating the loss  
 ‘ the civil list might sustain by such an accident?  
 ‘ No, Sir, it certainly would not, unless that loss  
 ‘ should become so heavy, as to reduce the whole  
 ‘ surplus,

‘ surplus, and even diminish the establishment ; then  
 ‘ indeed a demand would arise upon the Parliament,  
 ‘ and we would be obliged to make the establishment  
 ‘ good.

‘ Suppose, Sir, that *France, Spain, Portugal*, and  
 ‘ the greatest part of *Italy*, should be united in an  
 ‘ alliance against us, which, by our late manage-  
 ‘ ment, may happen to be the case ; would it not  
 ‘ then be absolutely necessary for us to prohibit the  
 ‘ importation or consumption of all *French, Spanish,*  
 ‘ *Portuguese* and *Italian* wines ? Would not this,  
 ‘ very probably, almost quite annihilate the whole  
 ‘ of what I have called the surplus of the civil list ?  
 ‘ Yet will any gentleman say, that the Parliament  
 ‘ could not prohibit the importation or consumption  
 ‘ of those wines, without making good to the civil  
 ‘ list its share in the duties upon them, to be com-  
 ‘ puted at a medium of the produce for the preced-  
 ‘ ing seven or eight years, when perhaps the con-  
 ‘ sumption of them was at a higher pitch than was  
 ‘ consistent with the good of the nation, or the  
 ‘ health of the people ? Surely, Sir, no man will  
 ‘ pretend to say any such thing ; the Parliament  
 ‘ would not be obliged to make good any part of  
 ‘ the loss the civil list should sustain by such pro-  
 ‘ hibition, unless the produce of the duties, appro-  
 ‘ priated to that revenue, should be so far reduced,  
 ‘ as not to amount to 800,000 *l.* yearly ; and, even  
 ‘ in that case, the Parliament would be obliged  
 ‘ only to make the 800,000 *l.* good, they would  
 ‘ not be obliged to make good any part of that  
 ‘ surplus, which the crown had formerly received  
 ‘ and enjoyed, by means of the duties upon those  
 ‘ wines.

‘ Is not the case now before us the very same ?  
 ‘ Our people have, by accident, lately taken such  
 ‘ a turn, that it is become necessary for their pre-  
 ‘ servation, to prohibit the consumption of spiritu-  
 ‘ ous liquors by retail. Is not this, as well as the

‘ one I have mentioned, one of those accidents to  
 ‘ which the crown’s right to the surplus of the civil  
 ‘ list revenue always was, and still is subjected? And  
 ‘ can any gentleman with reason say, that we cannot  
 ‘ prohibit the retail of such liquors without making  
 ‘ good to the civil list the whole surplus that has ac-  
 ‘ crued to it, computed at a medium of the produce  
 ‘ of those very years when the abuse of those liquors  
 ‘ was at its highest pitch?

‘ The other question, Sir, is, whether, if by the  
 ‘ same regulation by which the civil list’s share in  
 ‘ some duties is diminished, its share in other duties  
 ‘ be increased, the advantage occasioned by that re-  
 ‘ gulation in one case, ought not in justice and honour  
 ‘ to be admitted, so far as it will amount, as a com-  
 ‘ pensation for the damage occasioned in the other.  
 ‘ This, Sir, is a fair and a true state of the question,  
 ‘ without putting it into the disguise of compen-  
 ‘ sating a right which we actually take away, by a  
 ‘ right which we do not give: And after having  
 ‘ thus stated the question in its proper light, I shall  
 ‘ make use only of a familiar parallel in private life  
 ‘ for shewing that it ought to be resolved in the af-  
 ‘ firmative. Suppose a gentleman in my neigh-  
 ‘ bourhood has a very large marsh or stagnation of  
 ‘ water in his estate, every year increasing so as to  
 ‘ threaten his estate with almost intire ruin, and that  
 ‘ the water from that marsh, after running through  
 ‘ a part of his estate, falls upon a part of mine, and  
 ‘ there makes a new marsh or stagnation, by which  
 ‘ a great part of my estate is rendered uselefs, and  
 ‘ the whole brought into danger: Suppose, that up-  
 ‘ on surveying my neighbour’s marsh, and the sever-  
 ‘ ral fields round it, I find that, by a cut through  
 ‘ another part of his estate and a part of mine, his  
 ‘ marsh may be thoroughly drained, and that the  
 ‘ water, by being carried into a new channel, will  
 ‘ be prevented from overflowing any part of my  
 ‘ estate, and will very much improve my neighbour’s:

‘ Suppose

‘ Suppose again, that upon a fair and just survey, it  
 ‘ appears, that the rents of his estate will, by the  
 ‘ cut or water-drain to be made, be diminished to  
 ‘ the value of 20 *l.* a year, but that by the draining  
 ‘ of his marsh and rendering it good pasture or ara-  
 ‘ ble land, the rents of his estate will be augmented  
 ‘ to the value of 50 *l.* a year, so that upon the  
 ‘ whole he will be a gainer to the amount of 30 *l.*  
 ‘ a year. In this case, I must ask every country  
 ‘ gentleman that hears me, if my neighbour ought  
 ‘ in prudence to prevent my making that cut or wa-  
 ‘ ter-drain through his estate at my own expence;  
 ‘ or if he could either in justice or honour pretend,  
 ‘ that I ought to give him 20 *l.* a year out of my  
 ‘ estate, in compensation for the 20 *l.* a year he pre-  
 ‘ tends he is to lose by making the cut or water-  
 ‘ drain through his estate. I believe no gentleman  
 ‘ will say he could in prudence refuse the one, or in  
 ‘ justice insist upon the other. Yet in this case the  
 ‘ compensation he receives for the right I take  
 ‘ away from him, arises from a right I do not give,  
 ‘ a right he was intitled to before I took the other  
 ‘ from him.

‘ Having now, I think, Sir, demonstrated, that  
 ‘ if the loss the civil list may sustain by the present  
 ‘ regulation, be made good by the increase in the  
 ‘ excise on beer and ale, occasioned by the present  
 ‘ regulation, we are neither in justice nor honour ob-  
 ‘ liged to give any other compensation, I may give  
 ‘ up the other question, and admit, that we are ob-  
 ‘ liged to grant a compensation, in case the loss is  
 ‘ not made good by the increase of the excise on  
 ‘ beer and ale; because, notwithstanding what the  
 ‘ honourable gentleman has said, I am still of opi-  
 ‘ nion, that it is not only probable, but apparent,  
 ‘ that the loss in one way will be sufficiently made  
 ‘ good by the advantage in the other. The very na-  
 ‘ ture of the thing is to me a sufficient proof, for grant-  
 ‘ ing,

ing, that the greatest part of the present amount  
 of the excise proceeds from the debauches and ex-  
 travagancies of the people; it is well known, that  
 those who once get into the way of committing  
 debauches in gin, can have no relish even for the  
 strongest malt liquors; and I am convinced there  
 are very few instances, if any, that ever a club of  
 excessive gin-drinkers went from a gin-shop, ei-  
 ther to finish their debauch, or empty their pockets  
 by drinking common beer at an ale house; be-  
 cause, even to quench their thirst, they generally  
 take small beer or water, and mix it up with gin;  
 and many of them continue at the gin-shop, till  
 they cannot find the way to an ale-house, or even to  
 their own beds, if they have any, but content  
 themselves with the clean straw, which at some of  
 those places they have for nothing; so that even  
 from the nature of the thing we must conclude,  
 that those who have once taken to the excessive  
 drinking of gin, give over almost intirely the drink-  
 ing of beer or ale; and if we can lay those people  
 under a necessity of returning to the drinking of  
 strong beer or ale, we must necessarily very much  
 increase their consumption.

By the report, Sir, of his Majesty's justices of  
 the peace at *Hicks's-hall* in the month of *January*  
 last, we find, there were then within *Westminster*,  
*Holborn*, the *Tower*, and *Finsbury* division (exclu-  
 sive of *London* and *Southwark*) 7044 houses and  
 shops, wherein geneva and other spirituous liquors  
 were publickly sold by retail, of which they had  
 got an account, and that they believed it was ve-  
 ry far short of the true number; from whence,  
 Sir, if we include *London* and *Southwark*, and the  
 other places within the bills of mortality, I think  
 I may modestly compute, there are 20,000 hou-  
 ses and shops within the bills of mortality, where  
 geneva and other spirituous liquors are sold by re-  
 tail; and tho' the people within the bills of morta-  
 tality



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'tality are computed to be but a fifth, or a sixth  
 'part of the people of *England*, yet I shall reckon but  
 '20 000 houses and shops in all the other parts of  
 '*England*, where spirituous liquors are sold by re-  
 'tail, the whole being 40,000. Now to each of  
 'these houses I shall allow but ten customers who  
 'are excessive drinkers of gin, such I call those who  
 'may drink about half a pint a day, one with ano-  
 'ther; and ten customers who are moderate drink-  
 'ers of that liquor, such I call those who do not  
 'drink above half a quartern a day, one day with  
 'another. This makes in all *England* 400,000 ex-  
 'cessive drinkers, and 400,000 moderate drinkers  
 'of spirituous liquors; and considering how u-  
 'niversally the custom of drinking such liquors has  
 'got in among the common people, men, women  
 'and children, I believe this number will not be  
 'reckoned too large.

'Let us next suppose, Sir, that if the retail of  
 'such liquors were entirely prohibited, and these  
 'drinkers of gin should return to the use of malt  
 'liquors, that each of the excessive drinkers of gin  
 'would for the future, drink a pint of strong beer a  
 'day, one day with another, and that each of the  
 'moderate drinkers of gin would for the future drink  
 'half a pint of strong beer a day, one with another,  
 'more than they drink at present; we may from  
 'thence see how greatly the consumption of beer and  
 'ale would be hereby increased; for 400,000 pints  
 'and 400,000 half pints, make 600,000 pints, or  
 '75,000 gallons a day, which makes 27,375,000  
 'gallons, or 805,147 barrels in a year: The ex-  
 'cise at 4s. 6d. *per* barrel upon this increase in the  
 'consumption, would produce an increase in the ex-  
 'cise upon beer and ale of 181,158 *l.* yearly, one half  
 'of which being 90,579 *l.* would belong to the civil  
 'list; so that even in the most modest way of com-  
 'putation, and according to all the ways of computa-

tion, the civil list will get more by the increase in the excise upon beer and ale, than it can be supposed to lose according to the highest computation, by taking from it the duties on spirituous liquors; and that my computation of gin-drinkers is within bounds, appears from hence; that the supposed 400,000 excessive drinkers at half a pint a day, and the 400,000 moderate drinkers at half a quarten a day, according to this computation, consume but 31,250 gallons a day, which is 11,396,250 gallons in a year, the duties upon which, at 3 *d.* a gallon, amount to but 142,453 *l.* *per annum*; whereas the duties upon these liquors for this last year, amounted to 154,094 *l.* and we cannot suppose but that there are some frauds with respect to the collecting of these duties, as well as in most others.

I have chosen this new method of calculation, Sir, not because I think the other any way false or deceitful, but to shew, that from whatever method we chuse, and from the most modest calculations we can make, this general truth will always appear, That by prohibiting the retail of spirituous liquors, the civil list will get more by the increase of the excise on beer and ale, than it can lose by the decrease of the duties upon such liquors. And now with respect to the observations made upon the other method, I must say, that the gentlemen of the other side treat us, as free-thinkers are treated by some of their antagonists: They state a weak or a false argument for us, answer it, and then triumph in the victory they have obtained. I have never heard it said, Sir, in this house, nor in any other place, that as the duties upon spirituous liquors decrease or increase, the excise upon beer and ale must always increase or decrease in an exact proportion: That if the duties upon the former, decrease or increase one fifth, one sixth, or one tenth, the other must increase or decrease exactly

' exactly one fifth, one sixth, or one tenth, and nei-  
 ' ther more nor less. No, Sir, we know there are  
 ' many other accidents may contribute to the increase  
 ' or decrease of the excise on beer and ale, and there-  
 ' fore this proportion cannot be exact: Yet I can-  
 ' not allow, that the accident mentioned by the ho-  
 ' nourable gentleman, could have any great influ-  
 ' ence upon the excise in the year 1729; for the  
 ' price of malt was not, so far as I remember, so  
 ' high that year, as to put our brewers out of their  
 ' common way of brewing; and besides, we know  
 ' that the strong drink brewed for common draught,  
 ' from whence the greatest part of the excise is rais-  
 ' ed, is never designed to be kept a great many  
 ' years, so that in such sort of drink the brewers  
 ' never think of laying up a great stock, in order to  
 ' provide for a year of scarcity: But I shall men-  
 ' tion one accident, which I will take upon me to  
 ' say, has greatly contributed to keep up the excise  
 ' these last two years, and yet has contributed no-  
 ' thing towards raising the produce of the duties, at  
 ' least on home made spirits; I mean, Sir, the late  
 ' general elections for this Parliament, and the  
 ' many very extraordinary disputed elections that  
 ' have been since; for it is certain that these elec-  
 ' tions and disputes have added greatly to the con-  
 ' sumption of beer and ale, tho' I have never yet  
 ' heard of a candidate who treated his voters or his  
 ' witnesses with gin.

' And lastly, Sir, with respect to the proposition  
 ' this day made to us, I am surpris'd to hear the  
 ' honourable gentleman say, that it alters the nature  
 ' of the present establishment of the civil list; for  
 ' on the contrary, it pursues exactly the nature of  
 ' that establishment: With respect to the present ci-  
 ' vil list, so far as the Parliament stands obliged to  
 ' make it good, his Majesty is accountable; for he  
 ' cannot make any demand upon the Parliament,  
 ' till he has laid an account of the civil list revenues  
 ' before

‘ before them, in order to shew them the deficiency: By the proposition now before us, we are to enlarge that establishment, we are to oblige ourselves to make a farther sum yearly good to his Majesty, and I hope the honourable gentleman would not have us lay ourselves under such an obligation, and at the same time put it in the power of any future minister to come and tell us whenever he pleases, that there was a deficiency as to that farther sum, and that therefore he insisted upon our making it good, without laying any account before us from whence that deficiency might appear.

‘ To conclude, Sir, from the whole that has been said upon this subject, it appears evident to me, that if the surplus of the civil list should be diminished by what we are now about, we are not obliged to make it good: That if we were obliged to make the loss good, it ought not to be computed at 70,000*l. per annum*: That if it should be computed at 70,000*l. per annum*, it is apparent that it will be made good by the increase of the excise: That if this were not apparent, the proposition now made to us will fully answer that uncertainty: That the proposition now made to us is exactly conformable to the nature of the present establishment of the civil list; and that if it were not, it is become necessary, by the demand now made upon us in favour of the civil list; so that in no supposable case I can find any reason for taking such a large sum as 70,000*l.* a year from that sacred fund appropriated for relieving the people, and especially the poor labourers, artificers, and manufacturers, from the heavy taxes they are now charged with; and therefore I cannot agree that this clause, in the form in which it is at present, should stand part of this bill.

The question being then put, to agree with the committee in the amendments made to this clause, it was, upon a division, carried in the affirmative by 183 to 110. Division.

After this, the farther consideration of the report from the Committee upon the said bill, was adjourned till *Friday* the 16th, when the house resumed the consideration of the said report, and the rest of the amendments made by the Committee to the bill being read a second time, were with amendments to one of them agreed to by the house; after which, the following clause was offered to be added to the bill, *viz.*

‘ Provided always, that nothing in this act contained shall extend, or be construed to extend, to charge with any of the duties directed to be paid, levied, or collected, by this act, any spirits or strong-waters, to be made into the liquor commonly called punch, to be retailed and consumed in the house, or houses, of any person or persons keeping a public inn, coffee-house, victualling-house, or ale-house, who shall have been first licensed to sell wine, beer, ale, or other liquors, or to subject the makers or retailers of the said liquor called punch, to take out licences from the commissioners of excise, as herein before directed for retailers of spirituous liquors, or strong-waters. Provided the said liquors called punch, so to be retailed and consumed as aforesaid, to be made or mixed with two third parts water at least, in the presence of the buyer, and that the spirit with which the said liquor is to be made, be not sold or retailed, in a less quantity than one pint, or at a less price, than after the rate of 5*s.* per gallon; and all and every person or persons, acting contrary hereto, shall forfeit the sum of 5*l.* for every offence, one moiety thereof to the informer or prosecutor, that shall inform or prosecute for the same, the other moiety to

Clause for  
excepting  
punch.



‘ to his Majesty, his heirs and successors : And the  
 ‘ proof that the same was so mixed and sold at such  
 ‘ price as aforesaid, shall lie on the vender or seller  
 ‘ thereof, and not on the informer or prosecutor.’

The arguments in favour of this clause, were in substance as follow, *viz.*

Arguments  
 in favour of  
 the clause.

‘ Sir, as the complaint which occasioned the  
 ‘ bringing in of this bill, was chiefly aimed against  
 ‘ that constant and excessive use of home made spi-  
 ‘ rits, among people of inferior rank, which has of  
 ‘ late years so greatly increased, and as the constant  
 ‘ and excessive use of such spirits among such sort of  
 ‘ people, proceeded intirely from the low price, and  
 ‘ from the liberty which many persons took, to  
 ‘ retail them without a licence, I have always been  
 ‘ of opinion, that the evil complained of might have  
 ‘ been cured, without laying on such heavy duties,  
 ‘ as will amount to a prohibition of the retail, not  
 ‘ only of home made spirits, but of all distilled spi-  
 ‘ rituous liquors ; but as this house seems to be of a  
 ‘ contrary opinion, I must submit to what has been  
 ‘ already agreed to: However, as the consumption  
 ‘ of rum, especially when made into punch, has ne-  
 ‘ ver occasioned the least complaint, and as that  
 ‘ consumption is of very great consequence to this  
 ‘ nation, I must beg leave to offer a few words in  
 ‘ favour of that liquor, and then I shall take the  
 ‘ liberty to offer a clause for exempting it from the  
 ‘ duties directed by this bill to be paid, levied, and  
 ‘ collected.

‘ I believe, Sir, no gentleman in this house is ig-  
 ‘ norant of the present declining state of our sugar  
 ‘ colonies: Their circumstances, and the many dis-  
 ‘ tresses and discouragements they labour under, have  
 ‘ been of late so fully laid before Parliament, that  
 ‘ no gentleman in the nation, I believe, is ignorant  
 ‘ of their melancholy situation ; and every man who  
 ‘ has

‘ has regard for his fellow subjects, or for the good  
‘ of his country, must be sensibly touched with their  
‘ just complaints. Their rivals in the sugar trade  
‘ enjoy a new, rich, and fertile soil, which produces  
‘ plentifully without great labour or expence; while  
‘ they are obliged to toil in fields worn out by con-  
‘ tinual labour, and incapable of producing any  
‘ thing without a vast expence. Their rivals live  
‘ almost quite free from taxes, and without being at  
‘ the expence of making any presents to their go-  
‘ vernors, or even of maintaining and repairing their  
‘ own forts and garrisons; while they are heavily  
‘ loaded with taxes upon exports as well as imports,  
‘ and obliged to pay large salaries to their gover-  
‘ nors, and to maintain and repair their own fortifi-  
‘ cations: Their rivals have a liberty of exporting  
‘ their sugars directly to any market in *Europe*,  
‘ while they remain under a necessity of landing e-  
‘ very ounce in *Britain*, and are thereby obliged to  
‘ pay double freight, double commission, and a great  
‘ many other unnecessary charges. These disadvan-  
‘ tages have already, I am afraid, made us lose the  
‘ benefit of supplying any foreign market with su-  
‘ gars; and in such circumstances can it be expect-  
‘ ed that the Parliament of *Great Britain* will, with-  
‘ out any necessity, make a regulation for taking  
‘ from our sugar colonies the only market they have  
‘ left?

‘ I must confess, Sir, I little expected to have  
‘ seen, in this session of Parliament, any new discour-  
‘ agement given to our sugar colonies; on the con-  
‘ trary I expected to have seen the most vigorous  
‘ and the best concerted measures taken for relieving  
‘ them from all the disadvantages they at present la-  
‘ bour under, and for putting them at least upon an  
‘ equal footing with their rivals in the sugar trade;  
‘ Such measures might have perhaps enabled us to  
‘ redeem that trade, and to regain the benefit we  
‘ have

' have lost, of supplying foreign markets with that  
 ' commodity ; but if we diminish the sale of their  
 ' sugars or their rum in *Great-Britain*, without ena-  
 ' bling them to send it to foreign markets, by remov-  
 ' ing the disadvantages they are now subjected to,  
 ' our sugar planters may soon be so much ruined, and  
 ' their rivals so thoroughly established in the trade,  
 ' that it will be impossible for us to regain it ; nay,  
 ' the very islands where our sugars are produced  
 ' may come to be abandoned, and then instead of  
 ' supplying foreigners, it will be impossible for us to  
 ' supply ourselves, either with sugars or rum, which  
 ' must of course be attended with an infinite loss to  
 ' the nation.

' Let us consider, Sir, what vast quantities of ma-  
 ' nufactures of all kinds and qualities are yearly sent  
 ' from *Great-Britain* to our several sugar islands, and  
 ' from thence we must see how greatly the value of  
 ' our exports must be diminished, if those islands  
 ' should be intirely abandoned, or so much reduced,  
 ' as not to be able to furnish themselves with any  
 ' thing but the meer necessaries of life. This of it-  
 ' self would be an infinite loss to the nation ; but then  
 ' if we could have no sugars or rum from those  
 ' islands, for supplying our own consumption, our  
 ' loss would be redoubled ; for that consumption  
 ' would then be supplied from the *French* islands ;  
 ' so that the value of our imports from foreign coun-  
 ' tries, would be considerably increased, at the same  
 ' time, that the value of our exports would be great-  
 ' ly diminished, and how this would affect our ba-  
 ' lance of trade, as well as our labourers and manu-  
 ' facturers here at home, I leave every gentleman  
 ' to judge. I shall now only take notice, that the  
 ' duties upon the sugars consumed in *Great-Britain*,  
 ' are said to amount to near 130,000*l.* a year, and as  
 ' these sugars pay but 3*s.* 6*d.* *per* hundred weight, we  
 ' must from thence conclude, that the sugars consum-

ed yearly in this island, must amount to above 700,000 hundred weight; so that if we were obliged to purchase from *France* all the sugars necessary for our home consumption, at the rate of 6d. per pound, which would probably be the case, that consumption only would carry yearly out of this kingdom, near two millions of pounds sterling: To this let us add, the money that must necessarily be carried out of the nation yearly for rum or brandy; and the vast sums that must yearly be carried out of *Ireland*, and our northern colonies, for the sugars and rum or brandy they stand in need of; and from these two considerations only we must, I think, conclude; that by the loss of the sugar trade only, the balance of trade would be entirely turned against us, which would in a few years strip us of all the riches we now enjoy. Then let us consider what vast numbers of our people are now employed at home and abroad, in the production and manufacture of our sugars, what vast numbers of our tradesmen and manufacturers of all kinds, are employed in providing necessaries and utensils for them, and what a number of our seamen are yearly employed in transporting our sugars and rum to *Great-Britain*; and from thence we may see, how greatly the number of our people, especially our seamen, must be diminished; and consequently, how considerable the power and the naval force of this nation must be reduced by the loss of the sugar trade: But what is still of worse consequence, and I beg of gentlemen to consider it, all the riches, all the power, and all the naval force we may in this case lose, must necessarily be added to that kingdom from which we must always have the most to fear.

Having now, Sir, represented to you the fatal consequences, with which the loss of the sugar trade must be attended, I shall next consider how that trade may be affected by the bill now before us.

' I believe it will by granted me, at least by every  
 ' man who understands any thing of our sugar plan-  
 ' tations, that considering the disadvantages they lie  
 ' under at present, it would be impossible for them  
 ' to carry on the trade, or to produce any sugars,  
 ' if they had not a ready sale for their rum at the  
 ' price it now bears, therefore every thing that tends  
 ' towards lessening the price it now bears, must be  
 ' a step towards the ruin of our sugar trade. Now,  
 ' if the consumption of any commodity be lessened,  
 ' if the number of buyers be diminished, the quan-  
 ' tity brought to market must be lessened, or the  
 ' price will sink of course; and as the consumption  
 ' of rum, and consequently the number of buyers,  
 ' will certainly be very much diminished by this bill  
 ' as it now stands, we must conclude, that our sugar  
 ' planters cannot have a ready sale for their rum, at  
 ' the price it now bears, if they continue to produce  
 ' as much as they do at present; therefore many of  
 ' them must either immediately turn themselves to  
 ' some other business, or all will be ruined in a short  
 ' time. We know that our sugar islands are not  
 ' fit for producing any thing, that can turn to ac-  
 ' count but sugars and rum; so that if we put it out  
 ' of their power to get a sale for their sugars and  
 ' rum at such a price as they may subsist by, a great  
 ' number of them must necessarily leave the islands  
 ' where they are now settled, and will very proba-  
 ' bly go to settle among the *French* in *Hispaniola*,  
 ' or *St. Lucia*, where there is spare ground sufficient  
 ' for them all, and where they will, without doubt,  
 ' meet with all manner of encouragement. The  
 ' few sugar planters that may be left upon our own  
 ' sugar islands, may then perhaps, get a profitable  
 ' price for the small quantities of sugar and rum they  
 ' produce, because we will certainly endeavour, as  
 ' much as we can, by prohibitions and high duties,  
 ' to prevent the importation of foreign sugars, rum,  
 ' or brandy; but we cannot in such a case propose



‘ to sell any at a foreign market ; and even with  
‘ respect to our home consumption, we know how  
‘ impossible it is to prevent the importation or con-  
‘ sumption of any foreign commodity, when there  
‘ is a very great advantage to be got by running it  
‘ upon us.

‘ We know, Sir, that our own markets are the  
‘ only markets where our sugar planters can pro-  
‘ pose to sell any great quantity of the rum they  
‘ produce, and it is reckoned that the rum they  
‘ produce, is at present equal in value to one 4th part  
‘ of all their other produce : If then by the bill now  
‘ before us, we diminish by one half the present con-  
‘ sumption of rum, as our sugar planters can dispose  
‘ of it no where else, it is absolutely rendering use-  
‘ less to them one 8th part of their whole produce,  
‘ which is the same with taking it intirely away  
‘ from them ; and as an eighthth part is above twelve  
‘ *per Cent*. I am afraid it is more than any one of our  
‘ sugar planters can at present make of clear profit  
‘ to himself ; so that if this be taken from him, he  
‘ must labour and toil, or venture his money, for  
‘ nothing, which no man certainly will. From  
‘ hence, Sir, we may see how dangerous it is to lay  
‘ such a restraint upon the consumption of rum as  
‘ is proposed by this bill : Yet this restraint, dan-  
‘ gerous as it is, I should have readily agreed to, if  
‘ the consumption of rum, either by itself or in  
‘ punch, had ever given occasion to any of the evils  
‘ now complained of, or even if we could hope  
‘ thereby to render our people at home more sober,  
‘ more frugal, or more industrious ; because in either  
‘ case, I would have at the same time proposed the  
‘ freeing of our sugar planters from all quit-rents  
‘ and taxes, from all salaries or presents to gover-  
‘ nors, and even from all expence of maintaining  
‘ and repairing their own fortifications ; and at the  
‘ same time I would have been for giving them  
‘ liberty to export their sugars and rum directly to

‘ any market in the known world : But neither of  
‘ these is the case at present ; for the inferior rank of  
‘ our people never have made, nor ever can make  
‘ a constant and excessive use of rum : It is never  
‘ used, either by itself or when made into punch,  
‘ but by our better sort of people, and instead of  
‘ making them more sober, frugal, or industrious,  
‘ by taking from them the use of punch, we shall  
‘ only throw them into the way of drinking wine,  
‘ which will be a great expence to them, and a  
‘ much greater expence to the nation.

‘ But, Sir, it is not the consumption of rum only,  
‘ that will be diminished by prohibiting the retail of  
‘ punch, the consumption of sugar likewise will be  
‘ greatly diminished ; for though people may still  
‘ make use of punch at their own houses, we know  
‘ that our people, especially those of the middling  
‘ sort, do not much like entertainments at one ano-  
‘ ther’s houses ; from that spirit of liberty so natural  
‘ to them, and which I hope no minister nor go-  
‘ vernment shall ever be able to root out, they like  
‘ to be at a public house, upon an equal footing and  
‘ a fair club ; and therefore we cannot suppose that  
‘ the consumption at people’s own houses will amount  
‘ to near the quantity that was formerly consumed :  
‘ On the contrary we may expect that people will  
‘ go to public houses as formerly, and most of  
‘ them will there drink wine instead of punch ; so  
‘ that I must look upon the prohibition of punch, as  
‘ one of the most extraordinary steps that was ever  
‘ taken by any nation : We are doing what we  
‘ can to drive the people from the use of a li-  
‘ quor, which is almost wholly produced by the  
‘ labour and industry of our own subjects, to the  
‘ use of a liquor which is intirely produced by of-  
‘ reigners, and a great part of it by foreigners  
‘ with whom we have not, at present I believe, all  
‘ the reason in the world to be perfectly well satis-  
‘ fied.

‘ I should have been glad, Sir, to have seen this  
 ‘ bill so framed, as to have left our people the free  
 ‘ use of rum in any manner they pleased; but as  
 ‘ the house seems to be of opinion, that this would  
 ‘ open a way for evading the act, I shall make no  
 ‘ proposition for that purpose: I shall confine my  
 ‘ proposition to the use of punch only; and I think  
 ‘ I have drawn it up in such a manner, as to pre-  
 ‘ vent its being possible to draw from it any method  
 ‘ of evading the law: Nay, I have drawn it up in  
 ‘ such a method, as to put it out of the power of  
 ‘ mean or low people to make a constant and ex-  
 ‘ cessive use of it; therefore as no bad consequence  
 ‘ can accrue from permitting the use of punch  
 ‘ among the better sort of people; and as I have,  
 ‘ I think, shewn very strong reasons for exempt-  
 ‘ ing it from the duties to be laid on by this  
 ‘ bill, I shall propose to add to the bill some  
 ‘ such clause as this:’ (Here the above clause was  
 read.)

The answer was to this effect, *viz.*

‘ Although the complaints which occasioned the Answer.  
 ‘ bringing in of the bill now before us, were chiefly  
 ‘ aimed against the constant and excessive use of  
 ‘ home-made spirits, among our people of inferior  
 ‘ rank, yet I believe, Sir, it will be granted, that  
 ‘ the use of spirituous liquors of all sorts, and even  
 ‘ the use of punch, has of late years become too  
 ‘ common, and very excessive. It is well known  
 ‘ how considerably the number of our dram-houses  
 ‘ and punch-houses have increased within these few  
 ‘ years, and how much they have been frequented  
 ‘ by persons of all ranks and degrees, especially  
 ‘ since the method of retailing punch in so small  
 ‘ quantities, and at so cheap a rate, has begun to be  
 ‘ practised: This we may be assured of from the  
 ‘ number of advertisements relating to such houses,

‘ which have daily appeared in our news-papers  
‘ for two or three years past; and as every such  
‘ house is a temptation thrown in the way of our  
‘ people, for tippling and idling away their time, I  
‘ am of opinion that it is now become absolutely ne-  
‘ cessary to remove those temptations out of the way  
‘ of our people, or at least to lessen the number of  
‘ them as much as we can. I do not, Sir, in the  
‘ least, question but this evil was foreseen by many  
‘ gentlemen several years ago; but among the ma-  
‘ ny advantages we enjoy by the nature of our con-  
‘ stitution, we are exposed to this inconvenience,  
‘ that it is seldom practicable to prevent an ensuing  
‘ evil, till it becomes so apparent as to be felt al-  
‘ most by every man in the kingdom; and in the  
‘ present case, though the evils now complained of  
‘ were, I believe, foreseen a dozen or twenty years  
‘ since by some gentlemen, yet it is certain that no  
‘ proposition for preventing these evils would then  
‘ have met with any reception; on the contrary, if  
‘ any such bill as the present had then been proposed,  
‘ I believe the gentleman, whoever he might be,  
‘ that should have proposed, it, would have been  
‘ looked on as a mad man: Yet I am convinced it  
‘ will now be granted, that the passing of such a  
‘ bill at that time would have been of great service  
‘ to the nation; and the objection, of turning a  
‘ number of people out of their way of subsisting  
‘ their families, would not then have been near so  
‘ strong as it is at present. This is the case of every  
‘ general nuisance; there is no such nuisance but what  
‘ contributes to the advantage or the convenience of  
‘ some particular persons, and they will endeavour to  
‘ defend it, and to oppose its removal as long as they  
‘ can; but when the nuisance comes to be generally  
‘ and sensibly felt, they must then submit; and when  
‘ the moving of the nuisance becomes absolutely ne-  
‘ cessary for the public good, neither the advantage  
‘ nor



‘ nor the convenience of particular persons is to be  
‘ in the least regarded.

‘ I am as sensible, Sir, of the present bad circum-  
‘ stances of our sugar colonies, as any gentleman in  
‘ this house; I am as much concerned for them, and  
‘ as desirous to have the hardships they complain of  
‘ removed, as any gentleman can be; and therefore  
‘ I shall readily concur with any measures that may  
‘ be proposed for giving them relief, providing such  
‘ measures do not any way tend to the ruin of their  
‘ mother country: But for the sake of encouraging  
‘ them in the sale of their rum or their sugars, I  
‘ cannot submit to the continuance of a glaring enor-  
‘ mity, an enormity which I foresee will evidently  
‘ tend towards destroying the health and the morals  
‘ of the people of *Great Britain*. For this reason  
‘ I am against making any exceptions to the bill  
‘ now before us: The disease we are now fully  
‘ sensible of, the remedy we have in our hands, do  
‘ not let us mix that remedy up with any palliative,  
‘ which may lessen, perhaps intirely prevent, its ef-  
‘ fect. We may find many methods for giving to  
‘ our sugar colonies a full compensation for the dis-  
‘ advantage they may be subjected to by this bill;  
‘ but that compensation cannot be granted by the bill  
‘ now before us; it is a subject of a quite different  
‘ nature, and will therefore require a distinct con-  
‘ sideration, and a separate bill. This we may not,  
‘ perhaps, be able to accomplish in the present ses-  
‘ sion, but their case may be fully examined into,  
‘ and deliberately considered, before next session,  
‘ proper relief and all necessary encouragement may  
‘ then be granted, and in the mean time their loss  
‘ cannot be very considerable.

‘ I shall not, Sir, dispute the consequence our su-  
‘ gar islands are of to this kingdom, nor shall I dis-  
‘ pute its being a loss to them, for us to take any  
‘ measures for lessening the consumption of their rum  
‘ in *Great Britain*; but I am convinced they might



‘ sell their rum at a much cheaper rate, and yet have  
‘ a considerable yearly profit from their several plan-  
‘ tations. If they should lower the price of their  
‘ rum but a very little, they might find a vent for  
‘ it in many other places of the world, a vent which  
‘ would be more than sufficient for answering the  
‘ small diminution that may, by this law, be occa-  
‘ sioned, with respect to the consumption of that li-  
‘ quor in *Great Britain*; and that foreign vent  
‘ would contribute much more to the advantage of  
‘ their native country, than their selling the same quan-  
‘ tity at double the price to be consumed in this island.  
‘ It is therefore against the general interest of this  
‘ country, to encourage the home consumption so  
‘ much, as to enable our planters to sell all they can  
‘ make at a high price in *Great Britain*; and on the  
‘ other hand it is our duty to take all possible mea-  
‘ sures for enabling them to sell it at a cheap rate to  
‘ foreigners; for if the price of rum could be so much  
‘ reduced, as that it might be purchased at a cheaper  
‘ rate than brandy or geneva, I am persuaded vast  
‘ quantities of it would be consumed in *North-Ame-*  
‘ *rica*, in *Africa*, and in the countries bordering up-  
‘ on the *Baltic*; and even here at home the con-  
‘ sumption of *French* and *Flemish* brandies would  
‘ thereby be very much diminished.

‘ I do not know, Sir, but that by prohibiting the  
‘ retail of punch, some small addition may be made  
‘ to our consumption of wines; but whatever addi-  
‘ tion may be made, it will be with respect to Port  
‘ wines only; and as our trade with *Portugal* is, in  
‘ the main, a very profitable trade, it is our interest  
‘ to encourage our trade with that kingdom as much  
‘ as we can: However, I am convinced this addi-  
‘ tional consumption of foreign wines will not be any  
‘ way considerable; for most of those persons who  
‘ formerly used to drink punch, will return to the  
‘ drinking of fine ale and strong beer, or those home  
‘ made wines which we call sweets; and I hope it  
‘ will

‘ will be allowed, that it is as much the interest of  
 ‘ the nation to encourage the consumption of these  
 ‘ liquors, as that of any other liquor whatsoever.  
 ‘ By increasing the consumption of fine ale and strong  
 ‘ beer, we shall encourage the tillage of our lands in  
 ‘ *Great Britain*; and by increasing the consumption  
 ‘ of home-made wines, we shall not only encourage  
 ‘ the tillage and improvement of our lands here at  
 ‘ home, but we shall likewise encourage the trade of  
 ‘ our sugar islands, because in the making of such  
 ‘ wines there are great quantities of sugar made use  
 ‘ of; so that if the use of such wines should become  
 ‘ as general as the use of punch is at present, I believe  
 ‘ our demand for sugars would be increased, rather  
 ‘ than diminished.

‘ To conclude, Sir, if you exempt punch, or any  
 ‘ other sort of spirituous liquor from the duties to be  
 ‘ imposed by this bill, I am convinced you will ren-  
 ‘ der this bill altogether ineffectual; for under the  
 ‘ name of the liquor exempted, every sort of spiri-  
 ‘ tuous liquor will be retailed; and as the drinkers  
 ‘ will always be parties concerned in the evasion, it  
 ‘ will be impossible to discover the frauds that may  
 ‘ be committed. Our brandy-shops and our gin-  
 ‘ shops will then be all turned into punch-shops, our  
 ‘ people will be as much tempted and debauched,  
 ‘ and our streets will be as full of objects of pity  
 ‘ and contempt as ever. For this reason Sir, I am  
 ‘ for making an experiment, at least for one year,  
 ‘ of the bill as it stands at present: As it is a new  
 ‘ bill, and a very extraordinary regulation, we shall  
 ‘ probably, in the next session, have occasion to  
 ‘ make some alterations or amendments: By that  
 ‘ time we shall see what effect the prohibiting, or  
 ‘ at least diminishing the retail of punch, will have  
 ‘ upon our people; we shall likewise see what effect  
 ‘ it may be like to have upon our sugar colonies,  
 ‘ and then we may make what alteration we think  
 ‘ proper, with respect to the retail of punch. In

‘ the mean time, the prohibition cannot be attended  
 ‘ with any extraordinary bad effect; and therefore  
 ‘ I shall be against adding the clause which the  
 ‘ honourable gentleman has been pleased to pro-  
 ‘ pose.’

To this it was replied in substance as follows,  
*viz.*

Reply.

‘ Sir, when the hon. gentleman was pleased to  
 ‘ find fault with the great number of our punch-  
 ‘ houses, I wish he had added, taverns and ale-hou-  
 ‘ ses; for I am convinced, the great number of the  
 ‘ latter is as sensible a grievance as the great num-  
 ‘ ber of the former, and the latter have contrived,  
 ‘ and daily practise many more temptations, for  
 ‘ people to tipple and loiter away their time, than  
 ‘ have ever as yet been contrived by the former:  
 ‘ But the unbounded liberty that has for so many  
 ‘ years been given to the setting up of public hou-  
 ‘ ses of all kinds, does not proceed from hence, that  
 ‘ the evil consequences of such a liberty were not  
 ‘ foreseen or generally felt: On the contrary, the  
 ‘ grievance has been most sensibly felt, and loudly  
 ‘ complained of; but, by an error in politics, we  
 ‘ had made it the interest of those, to multiply such  
 ‘ houses, whose business it was, and who only had  
 ‘ the power to prevent their increase. This, Sir, is  
 ‘ the true cause of that prodigious number of houses  
 ‘ of entertainment which are now set up in every  
 ‘ part of this kingdom, and the power of those to  
 ‘ whom we had given an interest in such houses, has  
 ‘ for many years been so considerable, that it was in  
 ‘ vain for any gentleman to propose a remedy:  
 ‘ Notwithstanding the terrible outcry that was raised  
 ‘ through the whole kingdom, but especially in  
 ‘ this great metropolis, against the constant and ex-  
 ‘ cessive use of spirituous liquors, among people of  
 ‘ inferior rank, I doubt much if we could have ap-  
 ‘ plied

‘plied any effectual remedy, unless some people had  
‘found it their interest to agree to the remedy pro-  
‘posed.

‘I shall readily agree, Sir, that the present num-  
‘ber of our punch-houses, or at least of the places  
‘where punch is sold, may be perhaps too great ;  
‘but there is a very great difference between too  
‘great a number, and none at all : By the proposi-  
‘tion now made, the retailing of punch will be con-  
‘fined to houses where other strong liquors are by  
‘licence to be sold, which will, of course, very  
‘much diminish the number of our punch-houses ;  
‘and where men are allowed to drink any other sort  
‘of strong liquor, I can see no reason why they may  
‘not be allowed, at the same place, to drink punch  
‘if they have a mind ; for I am persuaded, that  
‘punch is as wholesome and as harmless, as any other  
‘liquor that can be found at such houses. I wish  
‘with all my heart, Sir, that effectual methods had  
‘been taken many years since for preventing such  
‘numbers of our people turning themselves to the  
‘method of supporting their families by the retail  
‘of strong or spirituous liquors : I am convinced,  
‘that many persons have been thereby drawn intire-  
‘ly away from useful labour and industry, and the  
‘labour and industry of all the rest of our people  
‘very much diminished ; and therefore I wish that  
‘some effectual restraints had been laid upon those  
‘who have the power of granting licences, as soon  
‘as we made it their interest, as well as the interest  
‘of those who appoint them, to grant as many as  
‘they could : But since such numbers of our people  
‘have now got into that way of supporting their  
‘families, I cannot but have a concern and a com-  
‘passion for them ; and though the public good cer-  
‘tainly requires an immediate restraint upon the  
‘constant and excessive use of spirituous liquors, a-  
‘mong persons of inferior rank, yet I cannot think  
‘that the public good requires an absolute prohibi-  
‘tion



' tion of selling any such liquors by retail, especial-  
 ' ly when they are rectified by a great quantity of  
 ' water, or made into that liquor called punch :  
 ' Nay, if such a prohibition were necessary, my con-  
 ' cern for the numbers of poor people who now live  
 ' by that retail is such, that I should be against mak-  
 ' ing the prohibition immediate : Even in such a  
 ' case, I should be for introducing the prohibition  
 ' by degrees ; by which method a general distress  
 ' would be prevented ; because some of those who  
 ' now live by that trade, would die in the mean  
 ' time, and the rest would have time to provide a  
 ' livelihood in some other way, or to accustom them-  
 ' selves to labour and industry.

' What reception a proposition for preventing the  
 ' evils now complained of, might have met with  
 ' twenty years ago, I shall not pretend, Sir, to de-  
 ' termine ; I believe, that, for the reason I have al-  
 ' ready assigned, it would not have met with a ve-  
 ' ry favourable one, unless some proper methods  
 ' had been taken to recommend it ; but I am fully  
 ' convinced, that, if such a general prohibition as is  
 ' intended by this bill, had been proposed twenty  
 ' years ago, the gentleman who had proposed it,  
 ' would really have been looked on as a mad man ;  
 ' and even now the proposition would, I believe,  
 ' have met with very little success, if it had not been  
 ' supported by another proposition which is now  
 ' made part of this bill. I shall admit, Sir, that the  
 ' most general, the most grievous nuisance may tend  
 ' to the advantage or convenience of some particular  
 ' persons ; and I must admit, though I am sorry for  
 ' it, that those who find a private interest or con-  
 ' venience in any such nuisance, generally endeavour  
 ' to defend it, and to oppose its removal, even al-  
 ' though they be fully sensible that their country must  
 ' be ruined by its continuance : Of such men I shall  
 ' only say, that it would have been good for their  
 ' country, and certainly better for themselves, that  
 ' they



‘ they had never been born: Of such men, I am afraid, we have too many in this kingdom, but I hope not one in this house.

‘ With respect to our sugar colonies, Sir, I am surprized to hear such reasoning as I have heard upon that subject. It is not so much as pretended, but that they may probably be ruined by prohibiting the retail of their rum in *Great-Britain*; but gentlemen say, we may give them a full compensation the next session for the damage we are to do them in this: Which to me seems to be the same, as if I should say to a man, I must now knock your brains out, but next year I will do something shall bring you again to life: For God’s sake, Sir, let us consider the unfortunate case of many of our countrymen in the sugar islands, whose whole subsistence depends upon the sale of that moiety of their rum, which we are by this bill to deprive them of: The produce of their whole crop of sugars, and the other moiety of their rum, may be necessary for defraying the charge of their next year’s crop; and if we disappoint them in the sale of what they designed for subsisting themselves and their families, they must break in upon that stock which is necessary for producing another crop; by which means every sugar planter, who is not beforehand with the world, must necessarily be undone: This I am persuaded will be the case of most of our small planters, and in them we know the strength of our sugar islands consists. The regulations we are next year to make may be a compensation to those who can stand the shock we are now to give them; but to those who may be utterly undone by the shock, we can give no compensation, we can communicate no relief. There is not the least pretence for saying, that the use of rum, especially when made into punch, for one year longer, will destroy the health or the morals of the people of *Great-Britain*;

‘ there-

‘ therefore why should we do an injury to our sugar  
 ‘ planters, till we are ready to grant them at the  
 ‘ same time a proper redress? Why should we pre-  
 ‘ vent the sale of their rum in *Great-Britain*, till we  
 ‘ have made such regulations, and granted such in-  
 ‘ dulgences, as may enable them to sell it to advan-  
 ‘ tage at some other market?

‘ We are told, Sir, that our sugar planters might  
 ‘ sell their rum at a much cheaper rate, and yet have  
 ‘ a considerable yearly profit from their several plan-  
 ‘ tations; but I wish the affirmation had been sup-  
 ‘ ported by some sort of reasoning, and that reason-  
 ‘ ing founded upon facts known to the house; for I  
 ‘ believe, if we were to examine any one of our su-  
 ‘ gar planters, he would give us strong reasons,  
 ‘ founded upon plain and notorious facts, for con-  
 ‘ vincing us, that in their present circumstances it is  
 ‘ impossible for them to sell either their sugars or their  
 ‘ rum at a cheaper rate. We all know how dear  
 ‘ living is in our sugar islands, we know what taxes  
 ‘ they pay, and we know what monstrous prices they  
 ‘ pay for their slaves, and for every thing else that is  
 ‘ necessary for the production of sugars: We like-  
 ‘ wise know at what a cheap rate both sugars and  
 ‘ rum are sold upon the spot where they are produ-  
 ‘ ced; and if we compare the expence and the pro-  
 ‘ fits together, the impossibility of selling either at a  
 ‘ cheaper rate, will, I believe, fully appear. I shall  
 ‘ very readily grant, that it would be an advantage  
 ‘ to the nation to enable our sugar planters to sell  
 ‘ their rum at foreign markets rather than in *Great-  
 ‘ Britain*; but it is not the price the poor planter  
 ‘ sells it for that prevents its being sold in foreign  
 ‘ markets; it is the wise regulations we have made  
 ‘ here at home, for we seem to have taken particu-  
 ‘ lar care to prevent its being in their power to dis-  
 ‘ pose of their rum to advantage at any foreign  
 ‘ market: In the first place, their rum must be all  
 ‘ landed

‘ landed in *Great-Britain* before it can be carried to  
‘ any foreign market in *Europe*; so that at every  
‘ such foreign market, it must be charged with dou-  
‘ ble freight and double commission, besides porte-  
‘ rage, wharfage, and several other small items up-  
‘ on the importation and exportation, all which,  
‘ upon such a cheap and such a bulky commodity,  
‘ must amount to more than the value of the prime  
‘ cost: And in the next place, we know, that in  
‘ order to make rum palatable to any person of nice  
‘ taste, it must be carefully kept in a good cellar  
‘ for several years; now there are but few of our  
‘ planters can spare to keep their rum by them for  
‘ several years, nor would it be proper to keep it in  
‘ those hot climates; and yet by obliging our mer-  
‘ chants at home to pay the high duties upon it soon  
‘ after its landing, we render it impossible for most  
‘ of them to keep it till it is fit for any market; or  
‘ if some of them do, the interest of the money  
‘ they have paid for the duties upon it here at home,  
‘ rises so high, that it becomes impossible for them  
‘ to sell it to advantage at any foreign market. Both  
‘ these advantages might, in my opinion, be very  
‘ easily removed; and till they are removed, I am  
‘ sure it will be impossible for our sugar planters  
‘ to sell their rum to advantage at any market in  
‘ *Europe*: When this is done, and some other in-  
‘ dulgences granted them, we may, perhaps, make  
‘ free with our home consumption of that liquor;  
‘ but till then, I am convinced, the putting a stop  
‘ to our home consumption, will be running the  
‘ risque, at least, of ruining intirely our sugar co-  
‘ lonies.

‘ It is said, Sir, that upon our prohibiting the  
‘ retail of punch, our people will fall naturally into  
‘ the drinking of fine ale, strong beer, and home-  
‘ made wines. I wish it may be so; and I am con-  
‘ vinced, the putting a stop to the use of spirituous  
‘ liquors among the inferior rank of our people,  
‘ will

' will increase the consumption of beer and ale,  
 ' though this had been denied, or at least much  
 ' doubted of, by the same gentlemen in a former  
 ' debate on this bill; but as for our punch drinkers,  
 ' they are generally the better sort of our people, and  
 ' I am afraid, most of them will fall into the drink-  
 ' ing of foreign wines; nor will that consumption  
 ' be confined to the wines of *Portugal* only; for the  
 ' *Spanish* and *Italian* wines will certainly come in for  
 ' a share; and our drinkers of arrack punch will  
 ' most of them betake themselves to the drinking of  
 ' *French* clarets: But even with respect to *Portugal*  
 ' wines, though our trade with that kingdom be a  
 ' profitable trade, yet I am sure we ought not to en-  
 ' courage the consumption of their wines, rather than  
 ' the consumption of a liquor wholly produced in  
 ' our own dominions, and by our own subjects. As  
 ' for our home-made wines, I can have no notion  
 ' that the use of them will ever become so general as  
 ' the use of punch is at present; and unless this hap-  
 ' pens to be the case, our sugar colonies will suffer  
 ' with respect to the consumption of their sugars as  
 ' well as their rum: But supposing that every punch  
 ' drinker in the kingdom could be brought to the  
 ' drinking of such wines only, instead of the punch  
 ' he formerly used to drink, yet, if our sugar trade  
 ' should be thereby quite destroyed, the nation  
 ' would be a great loser by the change; because, if  
 ' we had no sugars of our own, the nation would  
 ' be put to a great expence by the making of such  
 ' wines.

' I do believe, Sir, that by prohibiting the retail  
 ' of punch, some little addition will be made to the  
 ' consumption of our home-made wines, and also to  
 ' the consumption of fine ale and strong beer; but  
 ' I am convinced, that the chief addition will be  
 ' made to the consumption of foreign wines, which  
 ' must necessarily be a great disadvantage to the na-  
 ' tion, but will be, I must confess, a double advan-



' tage to the civil list revenue ; for that useful revenue will be considerably increased by the great number of new wine licences that will of course be taken out, every shilling of the duties upon which, we know belongs to the civil list ; and it will besides, get a great deal more by the consumption of wine, than it could have ever got by the consumption of rum made into punch ; for as one bottle of good rum or brandy made into punch, will go as far as four bottles of wine, and as the civil list gets at least 16 *d.* by the consumption of four bottles of wine, and but 9 *d.* or 10 *d.* at most by the consumption of one bottle of rum or brandy made into punch, we must therefore grant, that the civil list will be a double gainer by this change of liquors. It is true, a considerable addition has always been, and always will be made to foreign wines after they are imported, so that we cannot suppose that the civil list will get 4 *d.* by every bottle of wine hereafter to be consumed, unless we should be so happy as to get wines subjected to an excise, which we may remember was not very long since attempted ; but if the drinking of punch should be continued, we cannot suppose that the civil list could get 9 *d.* or 10 *d.* by every bottle of brandy and rum made use of in that way, because great quantities of punch have always been, and always will be made of *English* spirits, or of brandy or rum run in without paying any duty ; and the quantity of punch, made from such liquors, will always be at least equal to the quantity added by our wine-coopers to foreign wines after they are imported.

' The clause now offered is, in my opinion, Sir, drawn up so cautiously, that it is impossible to make any handle of it for evading the law. The punch to be retailed by this clause, must be mixed with two third parts water at least, in the presence of the buyer ; and must not be retailed in a less

' quantity



' quantity than one pint, or at a less price than after  
 ' the rate of 5 s. *per* gallon : It will therefore be im-  
 ' possible to sell any spirituous liquor under the name  
 ' of punch, unless it be mixed with two third parts  
 ' water ; and the not allowing it to be sold at a less  
 ' price than 5 s. *per* gallon, or in a less quantity  
 ' than one pint, will prevent tippling as much as  
 ' possible. To pretend that the frauds cannot be dis-  
 ' covered, because the drinkers will always be parties  
 ' to the evasion, is an objection that will hold equal-  
 ' ly strong against every clause in the bill ; for the  
 ' drinkers must be parties to every fraud that can be  
 ' committed, and yet it is to be presumed, that they  
 ' will generally be the informers : Nay, even with  
 ' respect to the retailing of gin, it may safely be sold  
 ' and drank in a private corner without any danger  
 ' of a discovery, unless the drinkers themselves be-  
 ' come informers.

' The bill now before us may indeed, Sir, very  
 ' properly be called an experiment : It is, I believe,  
 ' one of the boldest experiments in politics that was  
 ' ever made in a free country ; and seems as if in-  
 ' tended to try the submission and obedience of our  
 ' people : Even though the clause now proposed be  
 ' added, like *Saul*, it will ruin its thousands, but if  
 ' this clause be not added, like *David*, it will ruin its  
 ' ten thousands ; and if by this bill our sugar trade  
 ' should be destroyed, it will ruin the whole nation  
 ' at last. I truly, Sir, make no question, but that  
 ' the bill will be found to stand in need of some al-  
 ' terations and amendments in the very next session ;  
 ' I do not know, but a great part of it may then be  
 ' repealed ; but as for that part of it which relates to  
 ' the civil list, I doubt much if it will ever be in  
 ' our power to get it repealed : I am convinced, that,  
 ' before next session, it will be found necessary to  
 ' alter the whole scheme of this bill, and to contrive  
 ' some new method for preventing the constant and

' excessive

‘ excessive use of spirituous liquors among our people of inferior rank, but in the mean time thousands of our people abroad and at home will be utterly undone; and as such persons cannot be recovered, nor receive any benefit by those alterations we may then think proper to make, I am for preventing the spreading of this desolation as much as possible, and therefore I am for adding the clause now proposed.’

The question was then put upon the clause offered, *Division*, but upon a division it was rejected by 203 to 98, and then the bill was ordered to be ingrossed.

On *Tuesday* the 20th of *April*, the bill was read a third time, and passed without a division; and Sir *Charles Turner* was ordered to carry the bill to the Lords, to desire their concurrence. *Bill sent to the Lords.*

In the house of Lords the same petitions were presented against this bill, as had been presented against it in the house of Commons, but they met with the same fate; for as the bill was a money bill, their Lordships knew that the Commons would not agree to any alterations or amendments they might think proper to make; and tho’ several of their Lordships expressed their dislike to the bill in general, as well as to some of the particular clauses in it, yet they said they thought the excessive drinking of spirituous liquors was come to such a height among the lower rank of our people, that it required an immediate remedy, therefore they were for agreeing to that bill, such as it was, rather than allow that prodigious enormity to continue for another year; because in the next session of Parliament the bill might be amended or altered as should then seem proper, and they would then be able to grant some relief to our sugar colonies with respect to the hardships they might be laid under by that bill: For this reason the majority of that house were for passing the bill without any amendment or

*Bill passed by the Lords.*

alteration; so that it was passed in that house without any considerable debate or opposition; tho' some of those who were for the bill, were for hearing the *West India* petitioners against it by their counsel, not with a design to amend or alter the bill, but with a design to learn from them, the principal difficulties they then laboured under, in order that their circumstances might be maturely considered, and a proper redress prepared, and made ready for being passed into a law, against the meeting of next session of Parliament: This proposition was however rejected, and the petition ordered to lie upon the table.

Bill for regulating elections proposed.

THE same day, the above-mentioned petition against spirituous liquors was presented to the house of Commons, viz. on the 20th of *February*, Sir *John Rusbout* presented to that house (according to order) *A bill for the farther regulating elections of members to serve for the Commons in Parliament, in that part of Great Britain called England*, containing some regulations for preventing disputes about elections, especially with respect to counties. This bill was then received, read a first time, and ordered to be printed: On the *Thursday* following it was read a second time, and ordered to be committed: On *Wednesday* the 24th of *March*, the house resolved itself into a Committee on the said bill, and made some progress; but as it is very difficult to frame a bill of that nature, so as to prevent any danger of grievances arising from it, some difficulties were started in the Committee, which occasioned the postponing of the bill to another session.

A short account of the *Yorkshire* election.

ON *Tuesday* the 24th of *February*, the house proceeded (according to order) to the hearing of the matter of the several petitions, complaining of an undue election and return for the county of *York*; and the deputy clerk of the peace for the *East Riding* of the said county, having produced several books

books, as the original poll taken at the said election; and being examined as to the time, place, and manner of the delivery thereof to him, by the high sheriff of the said county; the counsel for the sitting member, Sir *Miles Stapleton*, Bart. against whom only the petitions were aimed, objected that the said books ought not to be admitted as evidence, the same not having been delivered over upon oath, nor within the time limited by law, nor any proof given, that no alterations had been made therein after the said election, and before the said delivery. Upon this objection, the counsel of both sides being heard, and the preamble and the \* fifth section of an act made in the 10th year of the reign of *Queen Anne*, intitled, *An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing knights of shires to serve in Parliament*, being read; as also the journal of the house of the 12th day of *March*, 1727, in relation to the report from the committee of privileges and elections, touching the election for the county of *Bucks*; the said clerk was again called in and examined, as to the keeping of the said books, since the time of the said delivery thereof, and as to the taking copies of and collating the said books, and as to the declarations of the said high sheriff, and other circumstances before and at the time of such delivery: After which the following question was proposed, *viz.*

‘ That books, called the original poll books of  
 ‘ the last election of members, to serve in Parliament  
 ‘ for the county of *York*, produced by *Robert Ap-*

‘ \* *Enacted*, That in taking the poll, the sheriff, &c. shall enter the place of the elector’s frehold, and of his abode, and shall mark *Jurat* against his name, and the returning officer shall, within twenty days after the election, deliver over to the clerk of the peace all the poll books, on oath made before the two next justices of the peace, quorum unus, &c. without imbezzlement or alteration; and in such counties, where there are more than one clerk of the peace, then he shall deliver the original poll books to one, and the attested copies to the rest, to be preserved among the records of the sessions of the peace.’



‘ *pleton*, deputy clerk of the peace for the *East Riding* of the said county, and which were delivered over to him by the high sheriff of the said county in open court, at the quarter sessions of the peace for the said riding, about two months after the said election, as the original poll taken at the said election, and which have been kept by him the said deputy clerk of the peace, ever since, among the records of the sessions of the peace for the said riding, the said books not being delivered over by the said sheriff within the time, nor upon oath, as required by the act of the tenth year of the reign of the late Queen (*for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing knights of shires to serve in Parliament*) be admitted as evidence.’

This motion occasioned a long debate, and at last the previous question was put, which was carried in the affirmative; and then the main question being put, it was likewise carried in the affirmative, upon a division 201 to 164: Whereupon the said poll books, and copies of them, were delivered in; and then it was ordered, that the farther hearing of the matters of the said petitions should be adjourned till *Thursday* morning then next.

On which day, the house proceeded, according to order, to the farther hearing of the matters of the said petitions, and the counsel for the petitioner, Sir *Rowland Wynn*, Bart. and the other petitioners having proposed, in order to disqualify *John Maken*, who voted for Sir *Miles Stapleton* at the said election, and then swore that he was a freeholder, to prove by parol evidence, that he had no freehold at the time of the said election, in the place where he then swore, that his freehold did lie; the admitting of such evidence was objected to, by the counsel for the sitting member, who alledged, that



no man's parol evidence could be admitted, or received as any proof, against the affidavit of another man; and the counsel of both sides being heard upon this objection, and several journals relating to it read, the following question was proposed, *viz.*

‘ That the counsel for the petitioners be admitted  
 ‘ to give parol evidence, as to a person being no  
 ‘ freeholder at the time of the election, who swore  
 ‘ himself then to be a freeholder.’

This motion likewise occasioned a long debate, but at last the question was, upon a division, carried in the affirmative by 206 against 152; after which the farther hearing of the matters of the said petitions was adjourned to the *Tuesday* following.

Accordingly, the house having then reassumed the hearing of this affair, the counsel for the petitioners proceeded to examine one *Josbua Wilson*, in order to disqualify the above-mentioned *John Maken*, as having had no freehold at the time of the said election, in the place, where he then swore, that his freehold did lie; and the said *Wilson* beginning to give evidence of that disqualification, by relating the confession of the said *John Maken*, he was interrupted by the counsel for the sitting member, who said, that as the house would not admit of a man's confession, even before them, as an evidence against what he had sworn at the time of an election, they would not surely admit of a man's private confession to a neighbour in the country, as any evidence against what he had sworn at the time of an election. Upon this the counsel on both sides were heard, and several journals read, particularly the resolution of that house of the 12th day of *February* then last, in the case of the election of the borough of *Southwark*, against admitting the petitioner's counsel to examine *Thomas Gaman*, in contradiction to his oath at that election: And then the following question was proposed, *viz.*

‘ That the council for the petitioners be admitted  
‘ to give evidence, as to what a voter confessed of  
‘ his having no freehold, who at the time of the  
‘ election swore he had.’

Upon this motion, there was also a long debate ;  
but upon the questions being put, it was carried,  
upon a division, in the affirmative 181 to 132.

After which, the council for the petitioners proceeded to examine the said *Wilson*, and several other witnesses, in order to disqualify several other persons, who voted for the said sitting member at the said election, and having begun to examine a witness, in order to disqualify one of those persons, to whom the petitioners, in the lists by them delivered, pursuant to the order of the house of *Friday* the 16th day of *January* then last, had objected, that he was not assessed, nor had a freehold of 40 s. *per annum* in the place, where, at the time of the said election, he swore that his freehold did lie ; and it appearing that the evidence, which that witness gave, tended to prove that such person had no freehold at all there, he was interrupted in his evidence by the council for the sitting member, who said, that by the said order, petitioners were obliged to deliver to the sitting members lists, of the persons intended by the petitioners to be objected to, who voted for the sitting members, giving, in the said lists, the several heads of objection, and distinguishing the same against the names of the voters excepted to ; and as the petitioners had not objected to this person, that he had no freehold at all, but only that he had not a freehold of 40 s. a year, where, at the time of the said election, he swore that his freehold did lie ; therefore no evidence was to be admitted for proving that he had no freehold at all : The council of both sides being heard upon this objection, after some short debate, the question was put and carried, That the council for the petitioners should be admitted

to give evidence, as to a person's having no freehold at all, to whom the petitioners had objected, in their list of objections, that such person had not a freehold of 40 *s. per annum*. After which, the farther hearing of this affair was adjourned to the *Thursday* morning following.

The house proceeding upon the hearing of this matter every *Tuesday* and *Thursday*, and the petitioners went on in examining witnesses, and producing evidence, in order to disqualify a great number of persons, who had voted for the said sitting member, without any remarkable contest or debate, till *Thursday* the 22d of *April*, when they summed up their evidence; by which they alledged, they had disqualified several persons, as not being assessed to the public taxes, church rates, and parish duties: — Others, as having no freehold in the place where they swore that their freehold did lie; and of them several as having no estate at all, being school-masters, parish-clerks, curates, hospital-men, lease-holders, and copy-holders: — Others, as not having freeholds of the value of 40 *s. per annum*: — Others, as being minors: — Others, as having purchased their freeholds within one year before the election: — Others, as having been influenced to vote by threats: — Others, as having voted twice: — One, as being an alien: — And others, whose votes appeared upon the poll, though they were no such persons, either in the place where they swore their freeholds did lie, or in the places where they swore that their abode was, whereupon the farther hearing of the affair was adjourned to that day seven night, when it was adjourned to the *Tuesday* morning thereafter; and then, after the council for the sitting member were heard, who alledged that they would soon shew, that most of the objections made to their voters were either false or frivolous, and that they would effectually disqualify a much greater

number of the voters for Sir *Rowland Wynn*, the petitioner, than he, or the other petitioners had pretended to disqualify of theirs; the affair was adjourned to that day sevensnight, upon which day no mention was made of it, so that the affair was intirely dropt for that session.

Bill for limiting the number of officers.

ON *Wednesday* the 25th of *February*, *Samuel Sandys*, Esq; moved for leave to bring in a bill for the better securing the freedom of Parliaments, by limiting the number of officers in the house of Commons, and leave was accordingly given; and the said Mr. *Sandys*, Mr. *Glanville*, Mr. *Gore*, and Mr. *Howe*, were ordered to prepare and bring in the same: On the 12th of *March*, Mr. *Sandys* presented the said bill to the house; and the same was received, and read a first time, and ordered to be read a second time: And on the 31st, it was read a second time, and a motion made for its being committed, which being opposed, there ensued a long debate; and upon the question's being put, the bill met with its usual fate, the question was upon a division carried in the negative by 224 to 177. This bill having been often before debated on both sides, it was impossible there could be any thing very new said upon the subject; and as we have formerly given a full account of those debates, we shall now only refer to them\*.

Grants for the supply.

ON the said 25th of *February*, the house resolved itself into a committee, to consider farther of the supply granted to his Majesty; and came to the following resolutions, viz.

1. That the sum of 56,250*l.* should be granted to his Majesty, on account of the subsidy payable to

\* See Vol. X. page 331 and 372. Vol. XI. page 492. Vol XIII. page 99.

the King of *Denmark*, pursuant to the treaty bearing date the 19th day of *September*, 1734, for the service of the year 1736.

2. That a sum not exceeding 46,780 *l.* 18 *s.* should be granted to his Majesty, upon account, for reduced officers of his Majesty's land forces and marines, for the year 1736.

3. That a sum not exceeding 3,828 *l.* should be granted to his Majesty, for paying of pensions to the widows of such reduced officers of his Majesty's land-forces and marines, as died upon the establishment of half-pay in *Great-Britain* (and who were married to them before the 25th day of *December*, 1716) for the year 1736.

4. That a sum not exceeding 21,096 *l.* 9 *s.* 8 *d.* should be granted to his Majesty, to make good the deficiency of the grants for the service of the year 1735.

Which resolutions were next day reported, and agreed to by the house.

THE same day it was ordered, that the pro-  
 per officer should lay before the house, an  
 account of the several sorts and quantities of corn,  
 which had been exported from *Christmas* 1734, to  
*Christmas* 1736; as also from what places and ports,  
 and in what quantities they had been exported, to-  
 gether with an account of the bounty that had been  
 paid thereon.

Corn ac-  
count.

This account was presented on *Monday* the 8th of  
*March*, and was as follows, viz.

An



*An account of the several sorts and quantities of corn, which have been exported from Christmas 1734, to Christmas 1735, as also from what places and ports, and in what quantities they have been exported; together with an account of the bounty that has been paid thereon.*

Ports.	Barley.		Malt.		Oatmeal.		Rye.		Wheat.		Bounty.	
	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	l.	s. d.
Arundel	200	—	466	—	—	—	—	—	13,090	—	447	18 1½
Barnstable	182	—	—	—	—	—	—	—	12	1	25	15 7½
Beaumaris	—	—	—	—	—	—	—	—	41	—	10	5 0
Berwick	2396	—	425	—	—	—	—	—	10,944	—	3094	1 5
Bideford	600	—	—	—	—	—	—	—	292	5	148	5 3
Blackney and Clay	81	7	9369	—	—	—	18	—	254	—	1066	19 6
Bridlington	—	—	50	4	—	—	—	—	—	—	8	6 5
Bristol	1127	6	185	3	—	—	—	—	554	5	308	17 6
Bridgewater	628	3	—	—	—	—	—	—	—	—	78	10 11½
Chelster	—	—	—	—	—	—	—	—	—	3	97	16 10
Chichester	603	4	11,330	2	—	—	—	—	8748	—	3941	4 4½
Colchester	685	5	—	—	—	—	—	—	1510	4	463	6 6
Cowes	689	4	—	—	—	—	—	—	2241	4½	646	11 6½
Dartmouth	2337	1	—	—	—	—	—	—	313	2	395	9 0
Dover	429	4	—	—	—	—	—	—	4015	—	1057	8 9
Exeter	7693	4	—	—	1279	4	—	—	1134	2	1405	4 2½
Falmouth	335	—	—	—	—	—	—	—	728	—	223	18 9
Harwich	622	4	—	—	—	—	—	—	1200	—	377	15 0
Hull	—	—	—	—	—	—	—	—	3732	4	2231	0 0
			8063									

Ipswich

Ports.	Barley.		Malt.		Oatmeal.		Rye.		Wheat.		Bounty.	
	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	l.	s. d.
Ipswich	864	7	394	—	—	—	—	—	2282	5	728	6 3
Liverpool	9	4	—	—	7	4	—	—	991	2	249	18 9
Lynn Regis	5747	6	17,411	2	—	—	549	4	6778	3	4534	4 6
Maldon	—	—	—	—	—	—	—	—	600	—	150	0 0
Milford	51	—	—	—	583	5	—	—	2796	4	778	9 0 <sup>3</sup>
Minehead	285	2	—	—	—	—	—	—	702	7	211	7 6
Newhaven	898	1	—	—	—	—	—	—	1088	7	384	9 8 <sup>3</sup>
Padstow	118	—	—	—	—	—	—	—	770	—	207	5 0
Penzance	—	—	—	—	—	—	—	—	150	—	37	10 0
Plymouth	—	—	—	—	—	—	—	—	100	—	25	0 0
Poole	690	—	87	3	10	13	—	—	1159	3	389	18 7
Portsmouth	2190	2	8245	1	—	—	—	—	16,876	4 <sup>1</sup>	5523	11 3
Sandwich	349	—	3595	3	—	—	—	—	2485	7 <sup>1</sup>	1085	18 7 <sup>1</sup>
Shoreham	4890	—	2842	7	—	—	—	—	3007	4	1821	6 1
Southampton	3013	2	2358	—	—	—	—	—	9443	3 <sup>1</sup>	3098	4 9 <sup>1</sup>
Stockton	333	—	—	—	—	—	—	—	—	—	41	12 6
Wells	292	—	60,247	—	—	—	217	—	210	2	6849	15 7
Weymouth	—	—	226	1	—	—	—	—	—	—	28	5 3 <sup>1</sup>
Witbech	216	4	—	—	—	—	—	—	659	—	191	16 3
Whitehaven	42	6	—	—	—	—	—	—	—	—	05	6 10 <sup>1</sup>
Whitby	—	—	—	—	—	—	—	—	15	4 <sup>1</sup>	03	17 11 <sup>1</sup>

Yarmouth,

Ports.	Barley.		Malt.		Oatmeal.		Rye.		Wheat.		Bounty.	
	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	Qrtrs.	Bush.	l.	s. d.
Yarmouth	9802	1	92,374	7			494		5,938	3	13,629	17 10½
London	8914	6	2,101	6	39	6	51		59,784	2	16,429	5 2½
	57,520	3	219,781	7	1920	6	1329	4	153,343	5½	72,433	12 7½
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Exam. $\int$ — n O — — d, Aj. Gent.												
<hr/>												
By Barley												
By Malt												
By Oatmeal												
By Rye												
By Wheat												
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Total												
<hr/>												
7,190 0 11½												
26,434 18 0½												
240 1 10½												
232 13 3												
38,335 18 6												
<hr/>												
72,433 12 7½												

Custum-house, London, 8 Mar. 1735.

Custom-house, London,  
8 Mar. 1735.

ON *Friday*, the 27th of *February*, the house resolved itself into a committee, to consider farther of ways and means for raising the supply granted to his Majesty, the surplusses stated at *Lady-day*, and *Michaelmas* having been first referred to the said committee. As soon as Sir *Charles Turner* had taken the chair, a motion was made, ‘ That towards raising the supply granted to his Majesty, his Majesty should be enabled to borrow of any person or persons, bodies politic or corporate, any sum or sums of money not exceeding 600,000 *l.* at an interest not exceeding three pounds *per centum per ann.* by loans to be charged upon the surplusses or excesses, or overplus monies, commonly called the sinking fund, redeemable by Parliament.’

Motion for  
mortgaging  
the sinking  
fund.

Upon this motion there was a long debate, in which the chief arguments for the motion were as usual. ‘ The necessity of raising, some way or other, the supplies necessary for the current service of the year; the impossibility that there was of raising them any other way, but by throwing the burden upon the landed interest, which would be most unreasonable; because that interest had been for many years over-loaded, and obliged to contribute much more than their proportional share towards the annual public expence: The absolute uncontrollable right the Parliament had to dispose of the sinking fund yearly, to such purposes as they should think most for the benefit of the nation in general: The inconvenience of paying off too much of the public debts at once; the unwillingness of the public creditors to receive their money; and the small interest the nation would be obliged to pay, for what money was necessary to be borrowed upon the credit of the sinking fund.’

Argument  
for it.

To this the usual answers were made,

*Answer.*

‘ That the supplies necessary for the current service of the year might have been greatly reduced, if some gentlemen had thought fit; in which case they would not have been obliged, either to throw an additional burden on the landed interest, or to incroach upon that fund, which had always, till of late years, been deemed sacred to the payment of our public debts: That if words in an act of Parliament could appropriate any sum to a particular use, the sinking fund was originally appropriated, in the most exprefs terms, to the payment of the public debts contracted before the year 1716; and the only power that was left to future Parliaments, by its original constitution, was to dispose of it to the payment of such of those debts, as should at the time be thought most necessary to be paid off: That it would be happy for the nation, if they could pay off all their public debts at once: That the unwillingness of the public creditors to receive their money, was a certain sign of their having an advantageous bargain, and was therefore a demonstration, that it was the interest of the public to pay them off as fast as possible; and that, though they might perhaps be able to borrow the sum then proposed at three *per cent.* yet even at that rate, it was adding the future yearly expence of the nation, a sum of 18,000*l.* *per annum* for ever; which, though perhaps a small sum in the eyes of gentlemen who dealt in millions, was however a sum, that might thereafter be greatly wanted for the current service of some succeeding year.’

To this it was added, ‘ That considering the great expence we had been at in the then current year, and the great expence we were like to be put to in the next, for the defence of a foreign nation,



' tion, they were surpris'd to find that no subsidy  
 ' had been received, nor any sums like to be brought,  
 ' at least to the public account, for answering the  
 ' expence we had been, or were like to be at on  
 ' that occasion: That we found by experience, no  
 ' nation would so much as promise us any assistance,  
 ' without our granting them a large annual subsidy,  
 ' to commence as soon as the promise was made,  
 ' and to be paid, though no such assistance should  
 ' ever be wanted; and even when some of our allies  
 ' had, for very valuable considerations, engaged to  
 ' assist us at their own expence, yet when that assist-  
 ' ance was required, they had always found preten-  
 ' ces for not complying, till we engaged to defray  
 ' any expence they should be put to upon that ac-  
 ' count: That it was certainly our interest to protect  
 ' our allies, and to prevent any one of our neigh-  
 ' bours growing too powerful by conquering an-  
 ' other; but if we always shewed ourselves ready  
 ' to protect the weakest side at our own expence,  
 ' every one would find pretences for throwing all the  
 ' burden upon our shoulders, by which management  
 ' we must necessarily at last become the weakest of  
 ' all our neighbours; and having thus spent our  
 ' whole force, and thrown away all our money in  
 ' the protecting of others, would at last have no-  
 ' thing left, wherewithal to protect or support our-  
 ' selves.'

To the latter part of this it was replied,

' That we had given no assistance, nor had lately Reply.  
 ' put ourselves to any expence in the defence of any  
 ' nation, but what we were obliged to put ourselves  
 ' to, not only by the most solemn treaties, but even  
 ' for the sake of our own preservation: That with  
 ' regard to the nation supposed to be meant, it was  
 ' very well known, we were as much interested in  
 ' the defence and preservation of that nation as of  
 ' any

‘ any other ; and it was likewise known, we were  
 ‘ far from being at all the expence, for that nation  
 ‘ itself had been at a very great expence in providing  
 ‘ for its own defence, and a great part of the money  
 ‘ laid out in that provision had been brought to this  
 ‘ kingdom : That as that affair was then upon the  
 ‘ anvil, it could not then be fully explained, but a  
 ‘ time would come when it might ; and when that  
 ‘ time did come, the house might then, if they thought  
 ‘ fit, inquire into it ; upon which occasion the ne-  
 ‘ cessity, the justice and the wisdom of our present  
 ‘ conduct would, they believed, be easily explained,  
 ‘ to the satisfaction of almost every gentleman, who  
 ‘ might then have the honour of being a member of  
 ‘ that house.’

Agreed to.

The question was then put for agreeing with the motion, and carried in the affirmative, without a division.

After which the following motion was made, and agreed to without any debate, *viz.*

Land-tax  
agreed to.

‘ That towards raising the supply granted to his  
 ‘ Majesty, the sum of two shillings in the pound,  
 ‘ and no more, should be raised in the year 1736,  
 ‘ upon all lands, tenements, hereditaments, pensions,  
 ‘ offices, and personal estates, in that part of *Great*  
 ‘ *Britain* called *England*, in *Wales*, and in the town  
 ‘ of *Berwick upon Tweed* ; and that a proportionable  
 ‘ cefs (according to the ninth article of the treaty of  
 ‘ union) should be laid upon that part of *Great*  
 ‘ *Britain* called *Scotland*.’

And then a bill or bills were ordered to be brought in, pursuant to the said resolutions.

Bakers pe-  
tition.

ON *Tuesday* the 2d of *March*, a petition of the master and wardens of the company of bakers in the city of *London*, on behalf of themselves, and the

the rest of the bakers within the bills of mortality, was presented to the house, and read, setting forth, ' That the meal-weighers, who were officers appointed to bring in the prices of wheat to the magistrates, in order to affix the assize of bread within the city of *London*, made their cockets or returns of the prices of three different kinds of wheat, as sold at the market of *Bear-key* only; from which three prices of wheat the assize of the three sorts of bread, distinguished by the names of white, wheaten and household, was always ascertained: And that the best kind of wheat at *Bear-key*, was generally sold in parcels with wheat of inferior quality, at one common price; so that the meal-weighers were not able to distinguish the true and real price of the best kind of wheat: And that the first sort of bread in the assize table, distinguished by the name of white bread, being that kind of bread commonly called *French* rolls, was of late years greatly improved; and in making such white bread, the petitioners used only the finest part of the flour, produced from the choicest kind of wheat, collected not from *Bear-key* only, but from all the adjacent markets; and even such selected wheat afforded but a very small quantity of that sort of flour, which was also used in making the finest kind of paste: And that although the finest sort of wheat mentioned in the cockets of the meal-weighers, was not of a quality fine enough to make the first sort of bread, called white bread, yet the assize of such white bread was fixed from the prize of the first sort of wheat inserted in those cockets; and that the second sort of bread in the assize table, distinguished by the name of wheaten bread, which was the best kind of large bread wherewith the families within the city of *London*, and bills of mortality, were dally served, was made intirely of the first sort of wheat mentioned in the cockets of the meal-weighers; and the se-

' cond sort of wheat contained in those cockets, was  
 ' not of a sufficient goodness to make such wheaten  
 ' bread; nevertheless the assize of that wheaten bread  
 ' was ascertained according to the price of that se-  
 ' cond sort of wheat, as returned by the meal-weigh-  
 ' ers: And that the petitioners apprehended, that  
 ' the assize of wheaten bread ought to be settled ac-  
 ' cording to the price of the first sort of wheat,  
 ' mentioned in the cockets of the meal-weighers,  
 ' being the very grain of which the wheaten bread  
 ' was made; and that the assize of the white bread  
 ' ought to be advanced in proportion: And that,  
 ' although the expences, attending the trade and bu-  
 ' siness of the petitioners, were very greatly increas-  
 ' ed since the making of the table of assize, yet they  
 ' had had no allowance in respect to such increase of  
 ' expences: And that by these means, much the  
 ' greatest number of the petitioners were reduced to  
 ' very low circumstances; and the most considera-  
 ' ble among them, notwithstanding all their pains,  
 ' application, and frugality, found their substance  
 ' daily diminishing: And therefore praying the  
 ' house to give leave, that a bill might be brought  
 ' in for explaining and amending the laws then in  
 ' being, for regulating the price and assize of  
 ' bread, or to give such other relief to the petiti-  
 ' oners in the premises, as to the house should seem  
 ' meet.'

This petition having been referred to the conside-  
 ration of a committee, and that committee having,  
 on the 12th, made a favourable report, a bill was  
 then ordered to be brought in for giving a proper  
 relief to the petitioners, which was accordingly soon  
 after brought in, and passed both houses without any  
 opposition.

Duties on  
 salt and coals  
 a cause of  
 this petition.

It is remarkable, that in this petition the bakers  
 took care not to mention the duty on salt, though it  
 was certainly one of the strongest arguments for giv-  
 ing



ing them relief. They might likewise have mentioned the high duty upon coals; for tho' they do not make use of coals in their business, yet, as the price of wood will always in some measure depend on the price of coals, because the higher the price of the latter is, the more of the former will certainly be consumed, and consequently, the higher will its price be; they might have therefore likewise said, that the laws which regulate the assize of bread, were made before the price of wood was enhanced by the high duty on coals.

THE same day, viz. *March 2d*, a petition of the people called Quakers, was presented to the house, and read, setting forth, 'That notwithstanding the several acts of Parliament made for the more easy recovery of tithes, church-rates, oblations, and other ecclesiastical dues, in a summary way, by warrant from justices of the peace; yet as the said people conscientiously refused the payment thereof, they were not only liable to, but many of them had undergone grievous sufferings by prosecutions in the exchequer, ecclesiastical, and other courts, to the imprisonment of their persons, and the impoverishing and ruin of them and their families, for such small sums as were recoverable by those acts; and therefore praying, that the house would be pleased to take the premises into consideration, and afford them such relief therein, as to the house should seem meet.'

Quakers petition.

Whereupon it was ordered, that leave should be given to bring in a bill to enlarge, amend, and render more effectual the laws then in being, for the more easy recovery of tithes, church-rates, oblations, and other ecclesiastical dues from the people called Quakers, and that Mr. *Glanville*, Mr. Secretary at war, Mr. *Henry Archer*, and Mr. *Hampden*, should prepare and bring in the same.

Bill ordered.



Presented  
and ordered  
to be print-  
ed.

The said bill was accordingly presented to the house by Mr. *Glanville*, on *Wednesday* the 17th of *March*, and being then read a first time, and ordered a second reading, the same was ordered to be printed.

Clergy of  
*Middlesex*'s  
petition a-  
gainst the  
Quakers  
bill.

The same day a petition of several of the parochial clergy of the county of *Middlesex*, was presented to the house, and read on the 26th, which petition alledged,  
‘ That the bill then depending in that house, to en-  
‘ large, amend, and render more effectual, &c.  
‘ would, as the petitioners conceived, if passed into a  
‘ law, be extremely prejudicial to themselves and  
‘ brethren, excluding them from the benefit of the  
‘ laws then in being for the recovery of tythes and  
‘ other dues, and thereby putting the clergy of the  
‘ established church upon a worse foot than the rest  
‘ of his Majesty’s subjects; and therefore desired to  
‘ be heard by their counsel upon the subject matter  
‘ of the said bill, before it passed into a law.’

This petition was ordered to lie upon the table, until the said bill should be read a second time; and that the petitioners, if they thought fit, should be then heard by their counsel against the said bill: Then it was ordered, that counsel should be admitted to be heard for the bill at the same time; and that the bill should be read a second time upon that day se’nnight.

Many other petitions of the clergy from all parts of *England*, against the bill, were presented, and all received as the first.

Bill read a  
second time.

The second reading of the said bill having been put off to *Monday* the 12th of *April*, after reading the order of the day for that purpose, the counsel for and against the bill were called in, and the bill being then read a second time,

time, and the several petitions above-mentioned being also read, the counsel for the petitioners of the province of *Canterbury* were heard, in answer to whom the counsel for the bill were heard; and then the counsel for the petitioners of the province of *York* were heard by way of reply: After which the counsel being withdrawn, Mr. Speaker opened the bill to the house; and then a motion being made, that the 14th section of an act made in the 22d and 23d years of the reign of King *Charles II.* intitled, *An act for the better settlement of the maintenance of Parsons, Vicars and Curates in the parishes of the city of London, burnt by the dreadful fire there*, might be read; the same was read accordingly.

The reason, as may be supposed, for reading this section was, because by a clause in the bill, even as it then stood, it was proposed to be enacted thus, 'That if the annual value of such tythes, oblations, and other ecclesiastical dues, rights, payments, or church rates before-mentioned, doth not, nor shall not exceed the sum of            in such case, no Quaker or Quakers shall be sued or prosecuted, for, or on account of the same, in any other manner, than as before directed, or in any other court; neither shall any such tythes, oblations, or other ecclesiastical dues, rights, payments, or church rates, not exceeding the said yearly value of            be recoverable against Quakers in any other court whatsoever, nor in any other manner, than as by this act is directed, unless the title of such tythes be in question.' This clause, in all the petitions presented by the clergy against the bill, was called, *An excluding them from the benefit of the laws then in being for the recovery of tythes and other dues, and thereby putting the clergy of the established church upon a worse foot than the rest of his Majesty's subjects*; there-

fore the said section was read, in order to shew that the assigning of a proper method for the recovery of any right, and excluding the persons intitled, from any other remedy, was not a putting of such persons upon a worse foot than the rest of his Majesty's subjects, nor was it without precedent; for by the aforesaid act of King *Charles II.* all suits for the recovering of church rates or assessments, within the city of *London*, are to be brought before the Lord-Mayor, or upon his neglect to execute the powers thereby granted, before the Lord Chancellor, or Keeper of the Great Seal, or two Barons of the *Exchequer*; and, by the said 14th section, it is enacted, *That no court or judge shall hold plea of money due by virtue of that act, other than the persons thereby authorized*; and yet the clergy of *London* never had complained, nor could complain, that they were excluded from the benefit of the laws of their country, or that they were put upon a worse foot than the rest of his Majesty's subjects.

Bill committed.

After reading the aforesaid section, a motion was made for committing the bill, upon which there ensued a long debate, and upon putting the question, for committing the bill, it was, upon a division, carried in the affirmative by 221 to 84, and ordered accordingly; after which it was resolved, that the bill should be committed to a committee of the whole house.

On the 21st of *April*, the house, according to order, resolved itself into a committee upon the said bill, when very great alterations, and amendments were made to every clause; and it was proposed to leave to every person intitled to tythes, an option to sue for the recovery of them, either before the justices of the peace, as directed by that bill, or before any of his Majesty's courts in *Westminster-hall*; but as this seemed to be inconsistent with the preamble

preamble of the bill, and with the intention of the whole, it was strenuously opposed, and upon the question's being put, it was upon a division, carried in the negative by 202 to 96; after which they went through the bill, and directed Colonel *Bladen*, (who was in the chair) to report their amendments, when the house should please to receive the same.

On the 30th, the said amendments were, accord- Reported.  
ing to order, reported to the house, when they were all, with amendments to some of them, agreed to; and a clause was added, and an amendment made by the house to the bill. Then a motion was made for ordering it to be ingrossed, upon which there was a new debate; but upon the question's being put, it was, upon a division, carried in the affirmative by 160 to 60.

On the 3d of *May*, a petition of several of the clergy of the county of *Surry*, in behalf of themselves and brethren, was presented to the house, and read; setting forth, that since they had been heard by their counsel, in relation to the bill then depending in the house, to enlarge, amend, and render more effectual the laws then in being for the more easy recovery of tythes, church rates, and oblations, and other ecclesiastical dues from the people called Quakers, the petitioners had been informed of several new clauses and provisions, that had been inserted in the said bill, which the petitioners conceived to be very prejudicial to the rights of themselves and the other parochial clergy; and therefore praying, that they might be admitted to be heard by their counsel, in relation to the said new clauses and provisions, before they received the final assent of that house,

Clergy of  
*Surry* peti-  
tion against  
it.



Debate on  
passing the  
bill.

This petition was ordered to lie upon the table, and immediately after, the said bill was read a third time; when several new amendments were made by the house to the bill; and then a motion was made for passing the bill, against which it was alledged, ' That besides the many material arguments which ' had been made use of, or might be made use of, ' against passing that bill into a law; there was one ' relating to form, which was an unanswerable argument against its being passed; for the bill, ' which was first brought in, had been so thoroughly and so intirely altered in the committee, that it ' could not now be looked on as the same bill; ' even the very title of it had been intirely altered in the committee, and that bill which was before called, *A bill to enlarge, amend, and render more effectual the laws then in being, &c.* was, upon the ' third reading, to be called, *A bill for the more easy recovery of tythes, church rates, and other ecclesiastical dues from the people called Quakers*; which ' they could not but take to be a very improper title; ' for in their opinion it ought to be called, *A bill for preventing the recovery of tythes, or any ecclesiastical dues, from the people called Quakers.* That it was ' needless to examine particularly all the alterations that had been made in the committee, in order to ' shew that the bill then read to them was not the same, with that which had been read a first and ' second time in that house, it would be sufficient to take notice of one: By the bill as it was at first ' brought in, the jurisdiction of the justices of the peace was to have been confined to tythes of a certain value, which was certainly designed to be ' tythes of a small value; the justices were to order and direct the payment, so as the sum ordered ' did not exceed ; but the committee, by the ' bill they had drawn up, which was then read to them, had given the justices an unlimited jurisdiction



' tion, where the title was not in question. This  
 ' they said was a power which they thought no  
 ' committee upon a bill could take ; they might,  
 ' perhaps, have filled up the blank with any sum  
 ' they pleased ; they might have filled it up with  
 ' such a large sum as would have in effect been the  
 ' same with granting the justices an unlimited jurif-  
 ' diction ; but they could not grant a general and  
 ' unlimited jurisdiction by a bill which, when it came  
 ' before them, was a bill for granting a particular  
 ' and confined jurisdiction ; and if the granting of  
 ' such a jurisdiction was then thought necessary, the  
 ' only method they could take, according to the  
 ' established forms of that house, was to order the  
 ' bill then before them to be withdrawn, and a new  
 ' bill to be brought in ; in which case, those who  
 ' thought they might be aggrieved by any thing in  
 ' the new bill, would have an opportunity of being  
 ' heard against it, which no man could ever have,  
 ' if the method observed in passing the bill then  
 ' before them should become an usual practice ; for  
 ' no man could know, whether he was to be inju-  
 ' red by a bill or not, till after it had passed through  
 ' the committee, and then it would be too late for  
 ' him to apply.

To this it was answered in general, ' That the Answer.  
 ' bill then before them was in effect the very same  
 ' with the bill as it was first brought in ; many of  
 ' the clauses had, indeed, been altered and amend-  
 ' ed, but the general scope and intention of the bill  
 ' was the very same, and they did not think the  
 ' committee had taken any liberties with the bill  
 ' but what were usual, and such as they were fully  
 ' intitled to take ; for the reason of their granting  
 ' an unlimited power to justices of peace, with respect  
 ' to the value of the tythe, was because, upon ma-  
 ' ture consideration, they found, that all actions and  
 ' suits for tythes, where the title was not contro-  
 ' verted,

‘verted, were for small sums, for sums much smaller than any sum that was ever intended to have been filled up in that blank; and since it was acknowledged that the committee might have filled up the blank with such a large sum, as would have in effect been the same with granting the justices an unlimited jurisdiction, they could see no reason why the committee might not do directly and in express terms, that which they might certainly have done in a hidden or indirect manner.’

Bill passed.

The question being at last put for passing the bill, it was, upon a division, carried in the affirmative by 164 to 48, and Mr. *Glanville* was ordered to carry the bill to the Lords, and desire their concurrence.

The following is a copy of it, as it was sent up to the house of Lords.

‘*An act for the more easy recovery of the tythes, church-rates, and other ecclesiastical dues, from the people called Quakers.*

Copy of the Quaker's tythe bill.

‘**W**HEREAS by an act made in the 7th and 8th year of the reign of his Majesty King *William III.* of glorious memory, Intituled, ‘*An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form,* a remedy is provided for recovery of tythes and church rates, not exceeding the value of ten pounds, where Quakers do refuse to pay the same.

‘And whereas by another act made in the first year of the reign of his late Majesty King *George I.* the said remedy is extended, and may be had and used against any Quaker or Quakers, for recovering any tythes or rates, or any customary or other

other rights, dues or payments belonging to any church or chapel, which of right, by law and custom ought to be paid for the stipend or maintenance of any minister or curate officiating in any church or chapel.

And whereas the prosecuting of any suit in the superior or ecclesiastical courts against any Quaker or Quakers, for any refusal arising from a scruple of conscience, to set out, pay, or compound for his or their great or small tythes, may be unnecessarily expensive and grievous to such Quakers, if the said tythes can be recovered in a more easy and expeditious manner.

Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the 24th day of *June*, one thousand seven hundred and thirty six, where any Quaker shall refuse or neglect, within ten days after notice given to set out, pay, or compound for, his great or small tythes, or to pay any oblation, or other ecclesiastical dues (except church rates) or any rights or payments whatsoever, belonging to any church or chapel, which of right, by law or custom ought to be paid, for the stipend or maintenance of any minister or curate officiating in any church or chapel, it shall and may be lawful for any two or more of his Majesty's justices of the peace within the county, riding, town corporate, or division, where the same shall grow due (other than such justice of the peace, as is patron of the church or chapel where the said tythes or dues do arise, or any way interested in such tythes or dues) and such justices are hereby authorized and required, upon complaint of the parson, vicar, curate, farmer, or proprietor of, or person intitled to, such tythes, dues, or payments, as aforesaid, or any other per-

‘son who ought to have, receive, or collect the  
‘same, by writing under their hands and seals, to  
‘summon, by reasonable warning, such Quaker or  
‘Quakers, against whom such complaint shall be  
‘made, to appear before them; and also, at the  
‘request of any of the parties, by summons in writ-  
‘ing under their hands and seals, to convene before  
‘them all and every such persons and witnesses, to  
‘give evidence touching the matters complained of,  
‘as any or either of the parties shall require; and  
‘after the appearance of such Quaker or Quakers,  
‘or in default of his or their appearance (the said  
‘warning or summons being proved before the said  
‘justices upon oath) they the said justices, or any  
‘two of them, shall proceed to hear the matter of  
‘the said complaint, upon the proofs, evidences and  
‘testimonies to be produced before them; and for  
‘that purpose to examine as well the said Quaker  
‘and Quakers, in case of his or their appearance,  
‘upon his or their solemn affirmation, as the several  
‘persons or witnesses so to be convened before them,  
‘or otherwise produced at such hearing, upon his  
‘or their corporal oaths, or otherwise, as by this  
‘act is after directed; and thereupon to state, ascer-  
‘tain, and determine, what is due, payable or forth-  
‘coming by and from such Quaker or Quakers, to  
‘the party or parties so complaining, and by writing  
‘under their hands and seals to make a proper ad-  
‘judication thereupon, and thereby to order and  
‘award such reasonable satisfaction, compensation,  
‘and recompense in money, to be made and paid  
‘to the party or parties so complaining as aforesaid,  
‘as they shall judge to be just or reasonable for  
‘such tythes, oblations, or other ecclesiastical dues  
‘so neglected or refused to be set out, paid, or  
‘compounded for, as aforesaid, together with such  
‘costs for the same, according to the nature and  
‘merits of the case, as to them the said justices shall  
‘seem



‘ seem reasonable; and by such order to direct and  
‘ appoint the payment of the sum to be awarded, as  
‘ aforesaid.

‘ And be it enacted, That if any Quaker or Qua-  
‘ kers shall refuse or neglect, by the space of ten  
‘ days after notice of such adjudication, to pay or  
‘ satisfy any such sum of money, as upon such com-  
‘ plaint and proceeding shall, by such justices, as  
‘ aforesaid, be adjudged in manner as aforesaid, then  
‘ and in every such case, it shall and may be lawful  
‘ for any one of the said justices, upon oath made of  
‘ the service of a copy of such order of adjudication,  
‘ or of leaving a copy of the said order at the usual  
‘ place of abode of such Quaker or Quakers, by  
‘ warrant under his hand and seal, directed to some  
‘ constable, or other proper officer, to order the mo-  
‘ ney so awarded to be paid as aforesaid, to be levi-  
‘ ed by distress and sale of the goods and chattels of  
‘ such Quaker or Quakers, so refusing or neglecting  
‘ as aforesaid, his and their executors and admini-  
‘ strators, rendering the overplus to the owner  
‘ of such goods and chattels (if any shall be) the rea-  
‘ sonable charge of making the said distress, and of  
‘ selling the said goods and chattels, being thereout  
‘ first deducted and paid to the party or parties so  
‘ complaining, as aforesaid: And if it shall appear  
‘ to such justices upon oath, that no sufficient distress  
‘ or distresses can be had or made for the purposes  
‘ aforesaid, then and in that case any one of the said  
‘ justices, or any other justice of the peace of the  
‘ same county, is hereby impowered and required,  
‘ by warrant under his hand and seal, directed to  
‘ the proper officers, to commit such Quaker or  
‘ Quakers so refusing or neglecting, as aforesaid, to  
‘ the common jail of the county, city, liberty, or  
‘ place, where such Quaker or Quakers shall reside,  
‘ there to remain, without bail or mainprize, until  
‘ full payment be made to the party or parties so  
‘ complaining, as aforesaid, of all such sums and  
‘ costs



' costs as by the said two justices shall have been  
 ' awarded by such order as aforesaid. And to the  
 ' end the said justices may be enabled to make such  
 ' adjudication as shall be just, upon the matters so to  
 ' be complained of, as aforesaid, the said justices are  
 ' hereby impowered and required to examine all such  
 ' witnesses and other persons, as shall be produced  
 ' or convened before them, upon their corporal  
 ' oaths (which oath, and all other oaths required to  
 ' be taken by this act, the said justices are hereby  
 ' authorized to administer) but if any such persons or  
 ' witnesses shall be a Quaker, then such Quaker  
 ' shall be examined upon his solemn affirmation,  
 ' according to the laws and statutes of this realm,  
 ' and the said justices shall cause the same to be ten-  
 ' dered to him accordingly; and if any person or  
 ' persons being so summoned, as aforesaid, to give  
 ' evidence touching the matters complained of, as  
 ' aforesaid, shall without just cause refuse to appear  
 ' before the said justices; or having appeared before  
 ' them shall refuse to be examined, or to testify or  
 ' depose, in manner as aforesaid, concerning the  
 ' matters so complained of, as aforesaid, and shall  
 ' wilfully persist in such refusal, then and in every  
 ' such case, all and every person and persons so of-  
 ' fending, as aforesaid, contrary to the true intent  
 ' of this act, shall for every such offence, and be-  
 ' ing thereof convicted before the said justices, for-  
 ' feited a sum not exceeding five pounds to the poor  
 ' of the parish or parishes where such tythes or dues  
 ' do arise, to be levied by distress and sale of such  
 ' offender's goods and chattels, by warrant under the  
 ' hand and seal of such justices or either of them, or  
 ' any other justice of the peace within the county  
 ' where such offender shall reside, rendering the  
 ' overplus (if any shall be) to such offender, his ex-  
 ' cutors or administrators.

' And for the more effectual preventing all unne-  
 ' cessary and expensive prosecutions against Quakers,  
 ' be

‘ be it farther enacted by the authority aforesaid,  
‘ That from and after the said 24th day of *June*,  
‘ where any Quaker or Quakers shall refuse or ne-  
‘ glect to set out, pay, or compound for any great  
‘ or small tythes, oblations, or other ecclesiastical  
‘ dues, as aforesaid (except church rates) no person  
‘ or persons shall prosecute any suit, or commence  
‘ any action, or file any bill in any of his Majesty’s  
‘ courts of law or equity at *Westminster*, or in any  
‘ other court whatsoever, for the recovery thereof,  
‘ until after complaint shall be made by some of the  
‘ parties interested in the said tythes or ecclesiastical  
‘ dues; and some adjudication or order thereupon  
‘ shall be made by the justices, by this act impower-  
‘ ed to hear and determine the matter of such com-  
‘ plaint, as aforesaid: And in case it shall appear by  
‘ such order and adjudication, and the said justices  
‘ shall so certify therein (which the said justices are  
‘ hereby required to certify accordingly, without fee  
‘ or reward) that the Quaker or Quakers so com-  
‘ plained of did not, at the time of examining into,  
‘ and hearing the matter of the said complaint,  
‘ either by him or themselves, or by his or their  
‘ agents, controvert, litigate, or otherwise oppose  
‘ the payment of such tythes, oblations, or ecclesia-  
‘ stical dues, but did either confess the same to be  
‘ due, or not gainsay or obstruct the adjudication or  
‘ recovery, and levying thereof, or suffer judgment  
‘ or sentence before the said justices to go against  
‘ him by default, by not appearing to gainsay the  
‘ recovery and levying thereof; then and in every  
‘ such case, the order, award and adjudication so to  
‘ be made by the said justices, upon the matters to  
‘ them complained of, shall be absolutely final and  
‘ conclusive to all parties, as well to such as shall be  
‘ interested in the said tythes, oblations and ecclesias-  
‘ tical dues, as to the said Quaker and Quakers, to  
‘ all intents, constructions and purposes whatsoever;  
‘ and no Quaker or Quakers shall be sued or prose-  
‘ cuted,

' cuted, for or on account of such tythes, oblations,  
 ' or other ecclesiastical dues, in any ecclesiastical or  
 ' other court whatsoever after such adjudication and  
 ' certificate, by appeal or otherwise howsoever.  
 ' And no libel shall be exhibited, or any suit insti-  
 ' tuted or prosecuted in any ecclesiastical court, or  
 ' any action commenced, or bill filed, in any of his  
 ' Majesty's courts of law or equity at *Westminster*,  
 ' or elsewhere, touching or concerning the same;  
 ' except only in cases where the title of such  
 ' tythes shall be in question; as in this act after is  
 ' mentioned.

' Provided always, and be it also enacted by the  
 ' authority aforesaid, That where any Quaker or  
 ' Quakers, by themselves or their agents, shall any  
 ' ways controvert or litigate, or otherwise obstruct  
 ' the recovery of such tythes, oblations, or ecclesiastical  
 ' dues before the said justices, and the said  
 ' justices shall, upon debate of the matter, make such  
 ' order, award and adjudication thereupon as to  
 ' them shall seem just; and shall therein certify,  
 ' whether any such controversy, litigation or debate  
 ' was then had before them (which they are hereby  
 ' required to certify accordingly, without fee or re-  
 ' ward) that then and in every such case, if either  
 ' the parson, vicar, curate, or other person inter-  
 ' rested in, or intitled to the said tythes, oblations,  
 ' and ecclesiastical dues, or the Quaker or Quakers  
 ' so complained of, and summoned, as aforesaid,  
 ' shall find him or themselves aggrieved by the or-  
 ' der, award and adjudication so to be made by the  
 ' said justices, as aforesaid; and shall thereupon,  
 ' within ten days after the service of a copy of the  
 ' said order, award or adjudication, give notice in  
 ' writing, under his or their hands, to the said jus-  
 ' tices, that he or they conceive him or themselves  
 ' aggrieved, and that he or they refuse to abide by  
 ' the determination given by the said justices, by  
 ' the said order, award or adjudication; then and  
 ' from

' from, and immediately after such notice, the said  
 ' justices shall surcease, and forbear to make any  
 ' distress, or otherwise proceed upon such their or-  
 ' der, award, or adjudication, or otherwise howso-  
 ' ever. And then, and in that case, it shall, and may  
 ' be lawful to, and for all, and every the parties to  
 ' resort to such remedy by suit, action, or bill, in  
 ' any of his Majesty's courts at *Westminster*, as he,  
 ' or they shall think proper to resort unto; either for  
 ' the better recovery of such tythes, oblations, or  
 ' ecclesiastical dues, or for discharging himself from  
 ' the payment thereof. And all, and every person  
 ' and persons shall have, and enjoy all and every the  
 ' like remedies, and shall be intituled to the like ac-  
 ' tions, suits and advantages, as well for the reco-  
 ' very of such tythes, oblations, and ecclesiastical  
 ' dues, and all costs for subtracting or with-holding  
 ' the same, as for the discharging him and themselves  
 ' from the payment thereof, in any of his Majesty's  
 ' courts at *Westminster*, in as full and ample a manner  
 ' as he and they might have had and enjoyed; or  
 ' been intituled to by the laws and statutes of the  
 ' realm, had not this act been made. And his Ma-  
 ' jesty's courts of law and equity at *Westminster* shall  
 ' have full power and authority, if they shall see  
 ' cause (but subject to the proviso in this act after  
 ' contained) to award such costs as shall be reasona-  
 ' ble for the vexation, expence, and delay before the  
 ' said justices, by whose adjudication the said parties  
 ' shall have conceived themselves aggrieved, as a-  
 ' foresaid, any thing in this act contained to the  
 ' contrary notwithstanding.

' And be it farther enacted by the authority afore-  
 ' said, that where any decree or other judgment  
 ' shall be obtained in any of his Majesty's courts at  
 ' *Westminster*, execution of such decree or judgment  
 ' shall be made by process directed to the sheriff,  
 ' requiring him to levy the money so decreed or ad-  
 ' judged upon the goods and chattels of the said



Quaker or Quakers, his and their executors and  
 administrators; and if the sheriff shall return that  
 he can find no goods sufficient, whereon to levy  
 such money, then by imprisonment of their per-  
 sons. And the said several courts are hereby au-  
 thorized and impowered to award such execution  
 in all cases within the true meaning of this act.

Provided always, and it is hereby also enacted,  
 That where any judgment, decree, or order shall  
 be made, passed, or pronounced in any of his  
 Majesty's courts at *Westminster*, in any cause or  
 suit to be commenced or prosecuted by any per-  
 sons, who shall conceive themselves aggrieved by  
 the award, order, and adjudication of the justices  
 hereby impowered to hear and determine any com-  
 plaint relating to any Quaker or Quakers neglect-  
 ing or refusing to set out, or pay such tythes and  
 dues as aforesaid; that in every such case, if the  
 sum ordered, enjoined, and directed to be paid by  
 the said Quaker or Quakers, in recompence of the  
 tythes by him or them with-held, shall not exceed  
 the sum before ordered and awarded by the order,  
 award, and adjudication of the said justices, to be  
 paid by the said Quaker or Quakers, no parson,  
 vicar, curate, or other person intituled to such tythes  
 or dues as aforesaid, shall have or be intituled either  
 to double or treble value, by virtue of the statute  
 made in the second year of King *Edward VI.* or  
 to any other costs or damages whatsoever, or to  
 any other sum in respect of his and their charges, or  
 expences in any or either of the said courts, where  
 such judgment or decree shall be obtained, given,  
 or pronounced, or in any other court or place what-  
 soever; but that he and they shall be, and is, and  
 are by this act utterly excluded therefrom, and  
 shall pay to such Quaker or Quakers, his costs to  
 be assessed by the courts, wherein such judgment  
 or decree shall be obtained; any, law, statute, or  
 usage



usage to the contrary in any wise notwithstanding.

Provided always, and be it enacted by the authority aforesaid, That if any person, thinking himself aggrieved by any determination of the justices, as aforesaid, shall thereupon give such notice as aforesaid to the said justices, of his refusal to abide by such determination, it shall and may be lawful for such person, who shall first give notice as aforesaid, to appeal from the same unto the judges of assize, who shall next hold the assizes or sessions for the county or place, wherein such determination shall be made, instead of having recourse to his Majesty's courts at *Westminster*; and in that case, such person shall give notice in writing of such his intent to appeal unto the justices who made such determination, before their judgment shall be executed, and at least eight days exclusive before the holding such next assizes or sessions. And such judges of assize, or any or either of them, may and shall, in a summary way, examine the parties and witnesses, in such manner as the justices are hereby directed to do; and may and shall hear, and finally adjudge and determine such appeal, either by affirming, altering, or reversing the judgment appealed from; and also give such costs against either party, as to him or them shall seem just and reasonable; and shall issue his or their warrant, directed to the high constable of the hundred, or the constable of the parish or place within any city, or town corporate, wherein such Quaker or other person shall inhabit, to levy by distress, and sale of the goods of the person against whom such judgment shall be made, the sum and costs so adjudged by him or them, or in like manner as the said justices, to whom the said complaint was originally made, might have done, had there been no such appeal. And in case of such appeal, either of the justices, before whom

' such complaint shall have been originally made,  
 ' shall summon all such persons to appear before such  
 ' judges of assize, to give evidence concerning the  
 ' matter of the said appeal, as the parties shall re-  
 ' spectively require. And all persons so summoned,  
 ' are hereby required to attend pursuant thereto, or  
 ' in default thereof (having no just cause of excuse  
 ' to be allowed by the said judges of assize, or any  
 ' or either of them) shall forfeit a sum, not exceed-  
 ' ing five pounds, to the poor of the parish or pa-  
 ' rishes, where such tythes or dues do arise, to be le-  
 ' vied by distress, and sale of the offender's goods,  
 ' by warrant from any one of the said judges of as-  
 ' size, returning the overplus, if any.

' And be it farther enacted, That from, and after  
 ' the said 24th day of *June*, if any Quaker, after notice  
 ' given him by any person intitled to predial tythes,  
 ' arising from lands occupied by him, or by one au-  
 ' thorised to receive the same, shall refuse or neglect  
 ' to set out, or cause to be set such tythes, if payable  
 ' in kind, and not otherwise, by custom, compo-  
 ' sition, or modus, it shall, and may be lawful for such  
 ' person intitled as aforesaid, to such predial tythes,  
 ' to appoint a proper person for that purpose, who  
 ' is hereby authorised to come upon the land of such  
 ' Quaker, from whom such tythe is due, and justly  
 ' and truly, and without fraud or partiality, divide,  
 ' set out, and sever from the nine parts the said tythe,  
 ' in such manner as all persons are by law obliged  
 ' to set out their respective predial tythes; such per-  
 ' son so appointed, having first taken an oath before  
 ' any justice of the peace of the county or place  
 ' where such tythes arise, justly to set out the said  
 ' tythes as this act requires, according to the best of  
 ' his knowledge, without fraud or partiality: Which  
 ' said portion so set out is hereby declared to be, and  
 ' shall be deemed as tythe to all intents, and shall  
 ' be quietly carried away, as soon as reasonably and  
 ' conveniently may be, by the person intitled there-

' to, or any one or more persons appointed by him  
 ' for that purpose, without any interruption by the  
 ' said Quaker, or on his behalf, in the same manner  
 ' as might lawfully have been done, had such tythes  
 ' been set out by the Quaker himself, from whom the  
 ' same is due. And no Quaker shall after such no-  
 ' tice, and before the setting out, or after such tythe  
 ' shall be so set out, withdraw or take away, or  
 ' cause to be withdrawn or taken away the said  
 ' tythes, if payable in kind, under the pain of for-  
 ' feiture of the double value of what shall be so with-  
 ' drawn or taken away, to be recovered against him  
 ' by action of debt, bill, plaint, or information, in  
 ' any of his Majesty's courts at *Westminster*, in  
 ' which no essoin, protection, wager of law, or more  
 ' than one imparlance shall be allowed, in case the  
 ' person intitled to such predial tythes so withdrawn  
 ' shall chuse to sue in any of the said courts for the  
 ' same. Nevertheless, it shall be in the option of  
 ' the person intitled to such predial tythes so with-  
 ' drawn, to wave the said forfeiture of the double  
 ' value, and proceed before two justices, as herein  
 ' before directed, for recovery of the single value  
 ' only of such predial tythes so withdrawn, and costs  
 ' if he shall think fit so to do. And in case the  
 ' person intitled to such predial tythes, shall proceed  
 ' before the said justices in manner aforesaid, then,  
 ' and in every such case, such Quaker, so withdraw-  
 ' ing or taking away the same, shall not be liable  
 ' to be sued or prosecuted on account of not setting  
 ' out such tythe, or carrying away the same in any  
 ' other court, or in any other manner whatsoever  
 ' than as by this act is directed.

' Provided always, that if the person appointed  
 ' to set out the said tythes shall, through any wilful  
 ' default of the Quaker, be necessarily put to any  
 ' unusual or extraordinary trouble in harvesting and  
 ' preparing the said predial tythes, in order to the  
 ' setting out the same, and over and above the set-

' ting out thereof, according to the custom of the  
 ' place, that then upon complaint thereof to any  
 ' justice of the peace of the county or place where  
 ' such tythes do arise, and summons and examination  
 ' into the matter by the said justice, it shall and  
 ' may be lawful for such justice finally to order and  
 ' appoint what shall be paid by such Quaker, in  
 ' respect of such unusual or extraordinary trouble;  
 ' and on refusal of payment, to levy the same by  
 ' distress and sale of the Quaker's goods, rendering  
 ' the overplus after the costs of the distress de-  
 ' ducted.

' And be it farther enacted by the authority afore-  
 ' said, that if any person or persons, against whom  
 ' any such judgment or judgments shall be had, as  
 ' aforesaid, shall remove out of the county, riding,  
 ' city, or corporation, after judgment had as afore-  
 ' said, and before the levying the sum or sums there-  
 ' by adjudged to be levied; the justices of the peace  
 ' who made the said judgment, or one of them,  
 ' shall certify the same, under his or their hands and  
 ' seals to any justice of the peace of such other coun-  
 ' ty, city or place, to which the said person or per-  
 ' sons shall go, or be removed unto; which justice  
 ' is hereby authorised and required, by warrant un-  
 ' der his hand and seal, to order such sum or sums  
 ' to be levied on the goods and chattels of such per-  
 ' son or persons, as fully, and in the same manner,  
 ' as the other justices might have done, if such per-  
 ' son or persons had not removed, as aforesaid;  
 ' which shall be levied and recovered according to  
 ' the said judgment.

' And be it farther enacted by the authority afore-  
 ' said, that from and after the 24th day of *June*,  
 ' one thousand seven hundred and thirty six, if any  
 ' Quaker shall refuse to pay any sum or sums of  
 ' money, duly and lawfully assessed or charged on  
 ' him or her by any church or chapel rates, it shall  
 ' and



‘ and may be lawful for any two justices of the  
‘ peace, where such Quaker inhabits, and they are  
‘ hereby required, upon complaint to them made  
‘ by the churchwardens impowered to collect such  
‘ rate, to cause the same to be levied by distress and  
‘ sale of the goods of such Quaker, in the same  
‘ manner as the rates for the relief of the poor may  
‘ be levied : And no Quaker shall be sued or prose-  
‘ cuted, for not paying any church or chapel rates,  
‘ in any other manner whatsoever.

‘ Provided always, That no distress to be taken  
‘ by virtue of this act, shall be excessive or unrea-  
‘ sonable ; but shall be proportioned to the value of  
‘ the sum awarded or forfeited ; and the goods dis-  
‘ trained shall be publicly sold.

‘ Provided also, and be it enacted, That where  
‘ any Quaker or Quakers complained of for sub-  
‘ stracting, with-holding, not paying, or compound-  
‘ ing for any such tythes, church rates, oblations, or  
‘ other ecclesiastical dues, as aforesaid, shall, before  
‘ the justices of the peace, to whom such complaint  
‘ is made, alledge or insist upon any prescription,  
‘ composition, or *modus decimandi*, exemption, dis-  
‘ charge, agreement, or title, whereby he or she is  
‘ or ought to be freed from payment of the said  
‘ tythes or other dues in question ; and deliver the  
‘ same in writing to the said justices of the peace,  
‘ subscribed by him, her, or themselves ; in that  
‘ case, the said justices of the peace shall forbear to  
‘ give any judgment in the matter ; and that then  
‘ and in such case, the person or persons so complain-  
‘ ing shall and may be at liberty to prosecute such  
‘ Quaker or Quakers, for the matters aforesaid, in  
‘ any court or courts whatsoever, where such person  
‘ or persons might have sued for the same before  
‘ the making of this act, any thing in this act con-  
‘ tained to the contrary notwithstanding.



‘ Provided always, and be it farther enacted by  
 ‘ the authority aforesaid, That in all cities and towns  
 ‘ corporate, where for the time being, one justice of  
 ‘ the peace only shall be resident; in every such  
 ‘ case it shall and may be lawful to and for such one  
 ‘ justice, together with any one justice of the peace  
 ‘ of the county (not patron, nor interested) to exe-  
 ‘ cute all the powers, directions, and authorities in  
 ‘ this act contained and directed to be done by two  
 ‘ justices of the peace; and in case no justice of the  
 ‘ peace shall be resident in such city or town corpo-  
 ‘ rate, then two justices of the county may execute  
 ‘ all such powers, directions, and authorities.

‘ And be it farther enacted by the authority  
 ‘ aforesaid, That so much of the herein before in  
 ‘ part recited acts, made in the 7th and 8th years of  
 ‘ the reign of his late Majesty King *William III.*  
 ‘ and in the first year of his late Majesty King  
 ‘ *George I.* as relates only to the recovery of tythes  
 ‘ or rates, or any customary or other rights, dues,  
 ‘ or payments belonging to any church or chapel,  
 ‘ which of right by law and custom ought to be  
 ‘ paid for the stipend or maintenance of any mini-  
 ‘ ster or curate officiating in any church or chapel,  
 ‘ in the manner thereby provided, shall be, and is  
 ‘ hereby repealed,

‘ And be it farther enacted by the authority a-  
 ‘ foresaid, That it shall and may be lawful for any  
 ‘ person sued or prosecuted for any thing done pur-  
 ‘ suant to the directions of this act, to plead the ge-  
 ‘ neral issue; and on that or any other issue to give  
 ‘ this act, and the special matter in evidence: And  
 ‘ if a verdict or judgment shall be for the defen-  
 ‘ dant, or the plaintiff shall be nonsuit, or disconti-  
 ‘ nue such action, the defendant shall recover treble  
 ‘ costs, in such manner as costs in other actions gi-  
 ‘ ven to defendants are recoverable; And no suit or  
 ‘ prosecution shall be commenced against any per-  
 ‘ son, for any thing done in pursuance of this act,  
 ‘ unless

‘ unless the same be brought or commenced within  
 ‘ six months after such cause of action arises.

‘ And be it farther enacted by the authority afore-  
 ‘ said, That this present act shall be deemed, and  
 ‘ is hereby declared to be a public act, and shall  
 ‘ be taken notice of as such by all judges, justices,  
 ‘ and other persons whatsoever, without specially  
 ‘ pleading the same.

This bill was read in the house of Lords a first time, and ordered to be read a second time on the 12th of *May*, and many petitions having been likewise presented against it to that house, the petitioners were ordered to be heard by their counsel upon the second reading, and it was ordered that counsel should also be admitted to be heard in favour of the bill at the same time.

Counsel or-  
 dered to be  
 heard.

Accordingly, on the 12th, the bill was read a second time, and the counsel for and against the bill were in part heard, on which occasion, a question arose about the proofs to be laid before the house by the counsel for the bill, in relation to the hardships and persecutions the Quakers had suffered, by tedious and expensive suits, for tythes in the ecclesiastical and other courts; for the counsel for the bill having acquainted the house, that with respect to prosecutions in the *Exchequer*, they could bring proper and legal proofs, to wit, copies of the records which had been duly examined, and would be proved at their Lordships bar to be true copies; but with respect to the prosecutions in the ecclesiastical courts, they had indeed proofs, but they were such, as they could not call legal proofs, because it was only the parol evidence of persons who had been concerned in the suits, and therefore they must submit it to their Lordships, whether they would allow any such proofs to be laid before them; upon which there was some debate

Question re-  
 lating to pa-  
 rol evidence.

in

in the house, and the question being at last put, it was carried in the negative.

Motion for  
committing  
the bill.

Next day the counsel for and against the bill having finished, and being withdrawn, a motion was made for committing the bill, whereupon a very long debate ensued, in which the arguments for the motion, were to the following effect, *viz.*

Arguments  
for the bill,  
in the house  
of Lords.

‘ My Lords, I believe it will be admitted by every Lord in this house without any exception, that persecution of any kind is inconsistent with the principles of Christianity, I am sure it must be admitted by all, that it is inconsistent with the nature of our constitution and government; and it must be granted, that every sort of punishment, every sort of oppression, which a man is subjected to, for not doing that which in his conscience he thinks unlawful for him to do, is a sort of persecution. We know, my Lords, it was once established as a fundamental and necessary article of the Christian faith, that tithes were due of divine right to the church, that it was a most damnable sin to convert them to any other use; and that as they were *inter spiritualia*, every dispute in relation to them, was to be heard and determined by the spiritual courts, and by them only. These doctrines, it is true, are now pretty much exploded, at least in this kingdom; but ridiculous as they are, they were for many years strenuously insisted on, and most industriously spread, which gave occasion to that sect of men called Quakers, to establish it as one of the articles of their faith, That tithes were abolished by the Christian doctrine, and that so far from being of divine right, it was inconsistent with Christianity either to exact them, or pay them: From hence it is that every man who is truly and sincerely a Quaker, is in his

‘ con-

‘ conscience convinced, that it is unlawful for him  
‘ to pay tythe.

‘ But unluckily, my Lords, for the Quakers,  
‘ those who were the patrons and chief promoters of  
‘ the reformation in these kingdoms, though they  
‘ abolished the doctrine, that tythes were due of di-  
‘ vine right to the church, yet as the tythe brought  
‘ in a great revenue, and as it was a tax the people  
‘ had been long accustomed to, they thought it very  
‘ proper and mighty convenient for them to con-  
‘ tinue the tax; therefore they made them due by  
‘ the laws of the land, though they admitted they  
‘ were not due by the laws of the gospel. This how-  
‘ ever was no salve for the tender consciences of the  
‘ Quakers; for, as those laws made the tax still pay-  
‘ able as tythe, they thought, they could not in con-  
‘ science voluntarily comply with what was enjoined  
‘ by such laws; and even to this day, though  
‘ they must admit that tythes are due by the law of  
‘ the land, yet they think they cannot in conscience  
‘ pay them till they are compelled by the law so to  
‘ do. I confess, my Lords, this appears to me a  
‘ little whimsical; but I am not to measure another  
‘ man’s conscience by my own, nor ought I to  
‘ oppress him because he makes a matter of con-  
‘ science of an opinion which I take to be whim-  
‘ sical; and if I ought not my self in such a case  
‘ to be guilty of oppression, I am sure I ought to  
‘ prevent another’s being guilty of it, as far as lies  
‘ in my power.

‘ Tythe, my Lords, is a tax, which is now due  
‘ by the law of the land, and must, I believe, re-  
‘ main so; therefore the Quaker must pay it as well  
‘ as every other man subjected to it, by law, nor  
‘ does he desire to be absolutely free from it; he  
‘ only desires, since his conscience will not allow  
‘ him to pay it voluntarily and freely, that you  
‘ would take it from him in the easiest and least ex-  
‘ pensive method you can: He knows that he must  
‘ pay



‘ pay the costs of every suit commenced against him  
 ‘ for the payment of tythe which is due by law,  
 ‘ and he only desires that the costs of suit may be  
 ‘ made as easy as possible. This was thought so rea-  
 ‘ sonable a demand, that a law was made in the  
 ‘ reign of King *William*, by which tythes not ex-  
 ‘ ceeding 10*l.* in value were made recoverable from  
 ‘ Quakers before the two next justices of the peace  
 ‘ of the same county, not interested in the tythe to  
 ‘ be so recovered; and it was at that time expected,  
 ‘ that every man in the kingdom intitled to tythes,  
 ‘ would have taken that easy method of recovering  
 ‘ his tythes from Quakers; but it has since been  
 ‘ found by experience, that some persons intitled to  
 ‘ tythes, from a spirit of persecution and oppression,  
 ‘ for I can call it nothing else, have had recourse to  
 ‘ ecclesiastical and other expensive courts for the re-  
 ‘ covery of those tythes, which they might have re-  
 ‘ covered by the sentence of two neighbouring jus-  
 ‘ tices, by which the poor Quaker has often been  
 ‘ compelled to pay, not only what was due for  
 ‘ tythe, but ten times more by way of costs of suit,  
 ‘ to the utter ruin of him and his family.

‘ It is true, my Lords, we are not furnished with  
 ‘ all the proofs we might have had, of such oppres-  
 ‘ sions having been committed; though I am con-  
 ‘ vinced, if the Quakers had thought such proofs  
 ‘ necessary, or if we had allowed them to lay before  
 ‘ us the proofs they had prepared, we might have  
 ‘ been furnished with a considerable number; but  
 ‘ suppose we had not one proof of any such oppres-  
 ‘ sions having ever been committed, suppose there  
 ‘ had never been a surmise of any such oppression, it  
 ‘ is certain, that, as the law stands at present, such  
 ‘ oppressions may be committed; and as it is our  
 ‘ duty to endeavour to prevent, as well as punish, all  
 ‘ manner of oppression, we ought to make some  
 ‘ alteration in the present laws relating to the reco-  
 ‘ very



‘ very of tythes, especially considering how apt  
‘ some people are to oppress and persecute those,  
‘ who dare to differ from them in any opinion.  
‘ When we are about to make or repeal any law, in  
‘ order to prevent a grievance, that may be apprehended, it is no way necessary for us to have any  
‘ proofs that the grievance has been actually felt.  
‘ When the law *de Heretico Comburendo* was repealed,  
‘ there were then no proofs before either house of  
‘ Parliament, that a bad use had been made of that  
‘ law; it was thought sufficient that a bad use might  
‘ be made of it; and as that was apparent, the law  
‘ was therefore repealed: Even last session, when  
‘ the law was made for regulating the quartering  
‘ of soldiers at the time of elections, there was not  
‘ so much as the least surmise of any grievance having arisen from thence; and this very session, when  
‘ we passed the bill for repealing the laws against  
‘ witchcraft, there was not the least proof so much  
‘ as desired, that ever any old woman had been burnt  
‘ for a witch. From all which it is plain, that in  
‘ order to prevail with either house of Parliament to  
‘ pass or repeal any law, it is sufficient to shew that  
‘ a grievance may ensue, if the law be not passed or  
‘ repealed.

‘ Now, my Lords, in the present case, it is no  
‘ persecution or oppression to take from the Quaker  
‘ in the easiest and least expensive manner, those  
‘ tythes which are due by the law; but when they  
‘ can be recovered without subjecting him to any  
‘ great expence or inconvenience, it is persecution as  
‘ well as oppression, to sue for them in such a way as  
‘ must necessarily load him with a prodigious expence; because, though the plaintiff may perhaps  
‘ call his refusal obstinacy, yet in charity we are  
‘ obliged to call it conscience; and therefore we  
‘ must call that a persecuting of him for conscience  
‘ sake, which the plaintiff may perhaps call a punishing of him for his obstinacy. By the first law  
‘ for

' for making tythes recoverable from Quakers be-  
 ' fore two neighbouring justices in the country, a  
 ' cheap and easy method is provided for the Par-  
 ' son to recover those wages, or that maintenance  
 ' which is due to him by law; and this method  
 ' has been found so effectual, that every wise  
 ' and good-natured Parson in the kingdom has al-  
 ' ways chosen it, because he found he could thereby  
 ' come speedily at his right, without vexing and  
 ' ruining his neighbour, the Quaker, by a tedious  
 ' and expensive suit, for that which his conscience  
 ' would not permit him to pay till he was compelled  
 ' by due course of law: But the method by that  
 ' act provided appears to be deficient in two res-  
 ' pects; First, That it does not allow any tythes  
 ' above the value of 10*l.* to be recoverable before  
 ' two justices; and the other, That it leaves to the  
 ' incumbent, or any other person intitled to tythes,  
 ' an option to prosecute for the recovery of his  
 ' tythe, either in this cheap and easy method, or in  
 ' the most vexatious and expensive method he can  
 ' think of. As to the first of these defects, it has  
 ' been deemed, and I think it is evident, that two  
 ' neighbouring justices of the peace are as capable  
 ' to settle and ascertain a claim of 100*l.* as they are  
 ' one of 10*l.* providing there be no matter of law or  
 ' right in dispute; and since in our supreme courts  
 ' the value of any such claim is always settled and  
 ' ascertained by juries, I cannot think but that two  
 ' or more neighbouring gentlemen, who have the ho-  
 ' nour to be in the commission of the peace, are as  
 ' capable to settle and ascertain such a claim, as any  
 ' twelve tradesmen or farmers in the county; for this  
 ' reason, all tythes due from Quakers have since  
 ' been made recoverable before the justices of peace:  
 ' But as to the other defect, it stands as yet unre-  
 ' medied, and I must call it an intolerable one; for  
 ' to leave to every incumbent, or other person inti-  
 ' tled to tythes, an option to prosecute in the most  
 ' vexatious

‘ vexatious and expensive way, whenever he  
‘ pleases, is the same with giving him a power  
‘ to oppress or prosecute his neighbour when he  
‘ has a mind: When this power is made use of a-  
‘ gainst a neighbour who is not a Quaker, it must  
‘ even then be called oppression; when it is made  
‘ use of against a neighbour who is a conscientious  
‘ Quaker, it is downright persecution; and there-  
‘ fore, my Lords, I must say, that I am surprised,  
‘ to find, that this last defect has not been reme-  
‘ died long before this time: I must say, we are ex-  
‘ tremely obliged to the people called Quakers, for  
‘ making us observe a defect in our laws, which  
‘ perhaps has occasioned, but certainly may occa-  
‘ sion, a great deal of oppression and persecution; and  
‘ now that it has been laid before you, I can-  
‘ not doubt but that your Lordships will unanimo-  
‘ ly concur in contriving some method for remedy-  
‘ ing the same.

‘ The scope and design of the bill now before us,  
‘ is for remedying both this last defect in the most  
‘ effectual and safe method that can be thought of;  
‘ and for obliging all men intitled to tythes for the  
‘ future, to take that method of recovering them,  
‘ which every wise and good-natured man has taken  
‘ ever since it was established. I do not know, my  
‘ Lords, but the bill, as it stands at present, may have  
‘ occasion for some amendments; whatever amend-  
‘ ments it may stand in need of, will best appear in  
‘ the committee; and considering that we shall there  
‘ have the assistance of the reverend bench, as well  
‘ as the two learned Lords whom we have now the  
‘ happiness to have among us, I am convinced we  
‘ may be able to make such amendments in the com-  
‘ mittee, as will render the bill as effectual and per-  
‘ fect as the design of it is necessary and christian.  
‘ For this reason I shall not now trouble your Lord-  
‘ ships with any of those amendments I may think  
‘ necessary

‘ necessary, but shall only move for the bill’s being committed.’

To this it was answered in substance as follows,  
‘ viz.

Answer.

‘ Whether the tythes payable to the church be of  
‘ divine right or no, is a question, my Lords,  
‘ which cannot any way be brought into the dispute  
‘ now before us; but as there is at present among us  
‘ a set of men who pretend to make it a case of con-  
‘ science, that they ought not to pay tythes, and as  
‘ it has been said that the divine right of tythes, was  
‘ once strongly insisted on, and consequently, that  
‘ they ought not to be sued for in any court but the  
‘ spiritual court, I may, I think, suppose a set of  
‘ men who made it a case of conscience not to sue  
‘ for their tythes in any courts but the ecclesiastical:  
‘ Now, if there were any such set of men among  
‘ us, I should be glad to know how we should ma-  
‘ nage between the tender conscience of the Quakers  
‘ of one side, and the tender conscience of these di-  
‘ vine-right-men on the other; for I must think,  
‘ that it would be as great persecution to take from  
‘ a man all means of recovering his property, ex-  
‘ cept that which he pretended he could not in con-  
‘ science make use of, as it would be, to leave to a  
‘ man a freedom of suing in that way which he  
‘ might think most effectual for recovering his pro-  
‘ perty from another, who pretended that he could  
‘ not in conscience part with it till compelled by due  
‘ course of law. I do not know, but some of those  
‘ who are now for shewing so great a regard to the  
‘ tender conscience of the Quakers, would be very  
‘ apt to call the pretended conscience of these divine-  
‘ right-men a most ridiculous obstinacy: They  
‘ would probably say, that if these men had a mind  
‘ to remain so obstinate, as not to sue for their pro-  
‘ perty in that method which the law prescribed,  
‘ they



‘ they deserved to lose it ; and indeed I should be  
 ‘ very apt to join in the same opinion.

‘ I am for liberty of conscience as much as any  
 ‘ Lord in this house ; I shall always be against per-  
 ‘ secuting or oppressing any man, either in his per-  
 ‘ son or property, on account of any dispute or opi-  
 ‘ nion in which conscience can have a concern ; but  
 ‘ conscience can have no concern in any thing but  
 ‘ matters of faith, or religious worship : It can  
 ‘ never be brought in justification of an immoral  
 ‘ action, and much less can it be pretended in any  
 ‘ affair that relates only to property. If conscience  
 ‘ could have any thing to do in the case now be-  
 ‘ fore us, I am sure it is so far from being with  
 ‘ the Quakers, that it is directly against them.  
 ‘ No man will now pretend, at least in this king-  
 ‘ dom, that tythes are due of divine right to the  
 ‘ church ; but no man can doubt of their being due  
 ‘ by law to the person who has got a right to them.  
 ‘ The incumbent has generally, by law, a right to  
 ‘ the tythes within his parish, he has as much a pro-  
 ‘ perty in them, as any man in the parish has to the  
 ‘ estate he enjoys ; and if a Quaker be in possession  
 ‘ of that, which is by law the property of the in-  
 ‘ cumbent, he is certainly, in conscience, bound to  
 ‘ deliver it to the right owner ; and if he refuses,  
 ‘ the proprietor ought to be left at liberty to sue for  
 ‘ his property so with-held, not only in that manner  
 ‘ which may be most effectual for recovering it upon  
 ‘ that occasion, but in that manner which may be  
 ‘ most effectual for preventing his being put to the  
 ‘ like trouble on any other ; for it must always be  
 ‘ a trouble to a man to be obliged to sue for his pro-  
 ‘ perty ; and we know that upon such occasions, be-  
 ‘ sides the trouble, a man is generally put to a grea-  
 ‘ ter expence than he recovers by any costs of suit  
 ‘ that can be given him. This, my Lords, is so  
 ‘ true, that most men chuse rather to give up a small  
 ‘ demand, than to be at the pains and the expence



' of suing for it ; and this is so well known to those  
 ' from whom such demands are due, that nothing  
 ' but the great expence they may be put to prevent  
 ' their standing the suit ; which terror would be in-  
 ' tirely removed from the Quakers, if this bill should  
 ' pass into a law ; from whence we may conclude,  
 ' that no one of them would then pay the least tythe  
 ' without a law-suit ; and what a terrible thing would  
 ' it be, to oblige every incumbent in *England* to dance  
 ' after the justices of the peace, and perhaps to the  
 ' next assizes, for every little claim of tythe he  
 ' might have upon the Quakers within his parish ;  
 ' nay, I do not know but this privilege of vexing  
 ' and perplexing the incumbent with impunity, in  
 ' order to make him give up his just demand, would  
 ' make most of his parish turn Quakers ; for though  
 ' a proper indulgence ought to be granted to Dissen-  
 ' ters of all denominations, yet it is certainly dan-  
 ' gerous, and inconsistent with all the maxims of  
 ' true polity, to grant to any of them a privilege or  
 ' advantage which is not enjoyed by those of the  
 ' established church.

' As all pretences to a divine right, with respect  
 ' to tithes, are now given up, as no man ever pre-  
 ' tends to demand them, or to sue for them, by vir-  
 ' tue of any divine right, they are to be looked on  
 ' as a tax or a rent, due to those who have got or  
 ' purchased the right to them ; and for a man to  
 ' pretend, that his conscience will not allow him to  
 ' pay a tax or a rent which is established by the laws  
 ' of his country, is, in my opinion, a most ridicu-  
 ' lous pretence ; but it is still more ridiculous for a  
 ' man to pretend, that his conscience will not allow  
 ' him to pay such a tax, and yet apply to Parlia-  
 ' ment for a new method, or for any method of  
 ' compelling him to pay such a tax. It is a sort of  
 ' juggle, a sort of playing with conscience, which  
 ' ought not to be countenanced by the legislative  
 ' power of any kingdom. The scruples of a ten-  
 ' der

' der conscience will always, I hope, be greatly re-  
 ' garded by this house, when they are founded upon  
 ' any thing of a religious nature; but to with-hold  
 ' from a man his property, to refuse paying a tax  
 ' or a rent established by the laws of the kingdom,  
 ' and to pretend a scruple of conscience for so doing,  
 ' is what can have no foundation in religion. If the  
 ' Nonjurors should pretend, they could not in con-  
 ' science pay taxes to this government, they might  
 ' perhaps be as sincere in that scruple of conscience,  
 ' as the Quakers are in the scruple of conscience they  
 ' pretend, with respect to the payment of tythes;  
 ' and as governments have been said to be *jure divi-*  
 ' *no* as well as tythes, they might claim the same  
 ' pretence for making it a scruple of conscience;  
 ' but such a pretended scruple of conscience would  
 ' be so far from deserving any countenance or indul-  
 ' gence from this house, that it ought, and certain-  
 ' ly would be looked on as seditious; and therefore  
 ' an application from them, for an easy and cheap  
 ' method of compelling them to pay those taxes,  
 ' which they pretended they could not in conscience  
 ' pay voluntarily and freely, would certainly be  
 ' treated with the utmost contempt. Yet, in this  
 ' case, the conscience of the Nonjurors seems to have  
 ' a greater concern than the Quakers can pretend to  
 ' with respect to tythes; for our taxes are exacted  
 ' from every man, as legally imposed and justly  
 ' due, which no man can admit who does not ac-  
 ' knowledge the government; whereas tythes are  
 ' never pretended to be exacted as due by divine  
 ' right, they are exacted as due by the law of the  
 ' land only, which is what no Quaker pretends to  
 ' deny.

' That two country justices are as capable of set-  
 ' tling and ascertaining a claim of 100*l.* as they are  
 ' one of 10*l.* may perhaps be granted, and that  
 ' two or more gentlemen, who have the honour to  
 ' be in the commission of peace, may be as capable

to settle and ascertain such a claim as any twelve tradesmen or farmers in the county, may likewise be true; but this argument will operate much farther than is now designed; for the same argument may be made use of for taking from the King's courts, and transferring to the justices of the peace, the cognizance of every cause, where no matter of law or right is concerned; which none of your Lordships would, I believe, agree to. It is no reflection upon the justices of peace in general, or upon any justice of peace in *England* in particular, to say, that there is more reason to suspect them of partiality, than there is to suspect the judges of the supreme courts of equity or law. Men are naturally partial in cases where their friends, their relations, or even those of their intimate acquaintance, are concerned: This is a weakness incident to human nature, a weakness so well known to the legislature of this kingdom, that we have an express act of Parliament for preventing any man's being a justice of assize in the county where he was born, or doth inhabit; for this reason care has always been taken by our laws, to give a cognizance to justices of peace of small causes only; because in them it cannot be supposed that persons are often concerned who may be related to, or acquainted with any of those gentlemen, who have the honour to be in the commission of the peace; and the solicitations, which are of late too much countenanced by some justices, can give no great encouragement to the legislature to extend their jurisdiction. We ought to consider, that every tythe is a rent annually coming due, and as the determination with respect to the rent of one year, may be looked on as some sort of precedent or rule for determining the value of that rent in every succeeding year, the value of the cause or suit is to be computed from the price that rent might be sold for; therefore, as tythes are generally sold for  
thirty

' thirty years purchase, the value of a suit for a  
 ' tythe, of 10*l.* value, is to be computed at 300*l.*  
 ' so that if the two justices the incumbent applies to  
 ' should deal partially, and give him but 5*l.* in-  
 ' stead of 10*l.* the damage they do him must be  
 ' computed at 150*l.* for though he should, in the  
 ' next succeeding year, get a new decree for 10*l.*  
 ' for that succeeding year, this new decree may, in  
 ' a great measure repair, but does not lessen the da-  
 ' mage that was done him by the first; and therefore,  
 ' though tythes of any value due by Quakers, may  
 ' now be recovered before the justices; yet I must  
 ' think it would be very wrong to confine the in-  
 ' cumbent to that method only.

' 'Tis true, my Lords, that in our supreme courts,  
 ' when the *quantum* or value of the tythe demanded  
 ' comes in question, that *quantum* or value is gene-  
 ' rally settled and ascertained by the verdict of a  
 ' jury; and if the jury-men were under no direction,  
 ' nor could have any assistance from the court, two  
 ' or more justices might perhaps be as capable to  
 ' settle and ascertain that *quantum* or value as a do-  
 ' zen of jury-men; but as the jury-men always have  
 ' the assistance of the court in the examination of the  
 ' witnesses, and generally take the direction of the  
 ' court, with respect to what may or may not be  
 ' deemed a proper and full proof; and as the jury-  
 ' men are seldom known, or can be solicited and  
 ' influenced by either party, I shall always think  
 ' my property more secure, when tried in a proper  
 ' and legal manner by a jury, than when I am sub-  
 ' jected to the arbitrary decision of any number of  
 ' justices of the peace; and I believe every man in  
 ' *England* is of the same opinion. It has always  
 ' been reckoned, that our method of trial by jury  
 ' is the great barrier, and the chief safe-guard for  
 ' the properties of the people of *England*; and why  
 ' we should, at once, deprive all the clergy of the  
 ' established church of that barrier and safe-guard,



' with respect to a great part of their properties, I  
 ' can see no reason: I must confess, the very at-  
 ' tempt appears to me in a most extraordinary light;  
 ' especially when I consider, that we owe the pre-  
 ' servation of our liberties as well as properties, in a  
 ' great measure to the noble stand made by them,  
 ' against the incroachments that were made upon  
 ' both immediately before the revolution; from  
 ' whence they have, I think, the strongest reasons  
 ' to expect, that no safe-guard for their properties,  
 ' will be taken away by that government, which  
 ' chiefly owes its establishment to their behaviour,  
 ' at a time when the properties of all but themselves  
 ' were in danger; for, by a slavish compliance at  
 ' that time, I believe it will be granted they might  
 ' have increased, instead of diminishing the proper-  
 ' ty of the church in this kingdom.

' To alter the known laws of the kingdom, or  
 ' the ancient methods of proceeding in our courts of  
 ' judicature, I shall always, my Lords, look upon  
 ' as a most dangerous experiment; and therefore I  
 ' shall never give my consent to any such alteration,  
 ' for the sake only of a possibility, that some ill use  
 ' may be made of the laws as they then stand. In  
 ' such cases, I shall always think it necessary to see  
 ' from the most clear and evident proofs, that some  
 ' bad use of them has been made, that some grie-  
 ' vance has been generally and sensibly felt; and as  
 ' the laws now in being, and the methods of pro-  
 ' ceeding for the recovery of tythes, have been for  
 ' a long time established, I shall never give my con-  
 ' sent to any alteration, and much less to such a tho-  
 ' rough alteration, or rather subversion, as is pro-  
 ' posed by the bill now before us, without a full  
 ' proof that great inconveniencies have arisen from  
 ' the laws and methods of proceeding as they stand  
 ' at present. This I think is absolutely necessary  
 ' upon all such occasions, but more especially in the  
 ' present, where the private property of so great and  
 ' confi-



' considerable a part of our people is highly concern-  
 ' ed : This the Quakers might easily have foreseen  
 ' would be wanted ; and the question that arose  
 ' about it in the other house, ought to have been a  
 ' warning to them to provide for it, in case it should  
 ' come to be wanted in this ; for though the que-  
 ' stion was carried in the other house, against the  
 ' necessity of having any such proofs laid before  
 ' them, it was not from thence to be concluded, that  
 ' this house would be of the same opinion : In a case  
 ' of such a high nature, it was ridiculous to imagine  
 ' that we would admit of any parol evidence ; for  
 ' if we had, it is certain we could from such evi-  
 ' dence have heard only the rattles and observations  
 ' of attorneys and lawyers clerks, we could not  
 ' have made any judgment of the vexatiousness of  
 ' the proceedings, nor could we have judged, whe-  
 ' ther the delays and expences had been owing to  
 ' the persecuting spirit, as it is called, of the plain-  
 ' tiff, or to the litigiousness of the defendant ; of this  
 ' we can form no judgment but from authentic re-  
 ' cords ; and therefore those who intended or ex-  
 ' pected the bill should pass, ought to have had  
 ' them prepared and ready to lay before us.

' I must take notice, my Lords, that the bill for  
 ' regulating the quartering of soldiers at the time of  
 ' elections, was not an alteration of any of our  
 ' known laws, nor of any of our ancient forms of  
 ' proceeding ; on the contrary, it was not so much  
 ' as a new law : It was only a declaratory act, for  
 ' declaring and enforcing that which was before the  
 ' law of the land ; and therefore there was no neces-  
 ' sity or occasion for any proof, or indeed for any  
 ' surmise, that a breach had been made of that which  
 ' was before the common law of the kingdom. But  
 ' with respect to the repeal of the act *de heretico com-  
 ' burendo*, or of that for the burning of witches, I  
 ' am surpris'd to hear the repeal of either mention-

' ed upon this occasion ; for surely it is neither so  
 ' ridiculous nor so cruel, for a clergyman to sue a  
 ' Quaker in the King's courts, or even in the eccle-  
 ' siastical courts for his tythes, as it would be to burn  
 ' a Quaker for a Heretic, or an old woman for deal-  
 ' ing with the Devil. These were two laws which  
 ' never could be used without being abused ; nor  
 ' could the private property of any man in the king-  
 ' dom be injured by the repeal of either of them :  
 ' Whereas the method of suing for the recovery of  
 ' tythes in the King's courts, or even the ecclesiasti-  
 ' cal courts, may not only be used without being  
 ' abused, but often becomes necessary, because the  
 ' tythes so sued for, cannot be recovered in any  
 ' other way ; and the repeal of all those laws, by  
 ' which those methods of suing are established, is a  
 ' repeal by which the property of a very great num-  
 ' ber of our most useful subjects may be injured.

' To imagine, my Lords, that we can contrive  
 ' and prescribe an effectual method for recovering  
 ' any sort of property, which cannot possibly be op-  
 ' pressively and vexatiously used, is an imagination  
 ' in which, I am afraid, we shall always find our-  
 ' selves disappointed. We may indeed take away  
 ' all effectual methods, and leave it intirely to the  
 ' justice and good will of the debtor, whether he  
 ' will pay what he owes, or of the person who has  
 ' got the possession of another's property, whether  
 ' he will restore or no, which seems to be the inten-  
 ' tion of the bill now under our consideration ; but  
 ' it is impossible to prescribe by law an effectual  
 ' method, which may not sometimes be vexatiously  
 ' or even oppressively used : It is the business of the  
 ' courts of judicature to prevent oppression and vex-  
 ' ation as much as they can, and they do always  
 ' punish it when discovered, by loading the oppres-  
 ' sive or vexatious party with costs. When the costs  
 ' of any suit run high, we are not always to ascribe  
 ' it

‘ it to the oppression or vexation of the plaintiff;  
‘ on the contrary, the costs of suit are generally in-  
‘ hanced by the obstinacy and litigiousness of the de-  
‘ fendant. There is no suit can be commenced for  
‘ settling the *quantum* or value only of tythes, where  
‘ the costs can amount to a very great sum, unless  
‘ they are inanced by the litigiousness of the defen-  
‘ dant; and in suits for tythes, as well as in all suits  
‘ for other demands, the defendant may prevent his  
‘ being loaded with any future costs, by consigning  
‘ what is due; for if the plaintiff can prove no grea-  
‘ ter sum due than what was so consigned, he can  
‘ recover none of those costs he has put himself to by  
‘ his own litigiousness. It is generally, therefore, the  
‘ perverseness or the neglect of the defendant, that  
‘ inances the costs of suit; and notwithstanding  
‘ all the clamours raised about the excessive costs  
‘ Quakers have been loaded with, I believe, if we  
‘ were to examine the records, we should find  
‘ most of these excessive costs owing to the same  
‘ cause.

‘ As the laws stand at present, the incumbent has  
‘ several ways for recovering his property. He may  
‘ sue in the ecclesiastical court, or he may recover by  
‘ filing a bill in the *Exchequer*, or he may bring his  
‘ action upon the statute, or lastly, he may bring  
‘ his complaint before the justices of peace, if his  
‘ claim be under 40*s.* or for any sum due by a Qua-  
‘ ker: Now to take from him all those remedies but  
‘ the last, which is the most ineffectual, I take to  
‘ be such an incroachment upon his property, that I  
‘ cannot agree to it with some other and stronger  
‘ reason, than the meer possibility that he may make  
‘ a bad use of the other remedies provided for him  
‘ by law; especially considering that it seems to me  
‘ evident, that no bad use has been hitherto made of  
‘ those other remedies; for if we consider the mul-  
‘ titude of Quakers that are in this kingdom, the  
‘ obstinacy wherewith they refuse to make any vo-  
‘ luntary

' luntary payment of tythe, and the natural partiality which every justice of the peace must have against tythes, it is surprising to me that so few instances can be brought in a course of forty years, of any suit in the ecclesiastical or superior courts for those tythes, which might have been recovered before the justices of peace; and if we were to examine into the reasons for bringing any such suits into the ecclesiastical court, we should probably find they no way proceeded from a spirit of persecution, but from an impossibility of recovering before the justices, or perhaps from the preceding behaviour of the Quaker; for if an incumbent should endeavour to recover his tythe from a Quaker, by a complaint to the justices of peace, and should there, by the solicitation and management of the Quaker, meet with injustice and partiality, he might probably, for that time, acquiesce in the partial determination of the justices, but it would be a good reason for him to prosecute the next claim he might have upon that Quaker, in the ecclesiastical, or in some of his Majesty's courts in *Westminster-hall*.

' This, my Lords, the Quakers know the incumbent may do, as the laws stand at present, and this prevents their making use of any solicitation or other unfair means for influencing the determination of the justices of the peace in the country; but if you take away this option from the incumbent, if you leave him no other remedy for recovering his right but a complaint to the next justices, and never allow him to enter the King's courts, till he has passed this new turnpike of the law, we may then expect that the Quakers will use all possible means, both with the justices and the witnesses, for defeating, or at least diminishing, the most just demand that can be set up by the incumbent; and considering that both his judges and his witnesses must always be persons who are themselves



‘ selves liable to tythes, it is I am afraid too much  
 ‘ to be apprehended, that the judges, the witnesses,  
 ‘ and the defendant, will combine together in bring-  
 ‘ ing the complainant’s demand as low as common  
 ‘ decency will admit of: Nor can this partiality be  
 ‘ remedied or redressed by the judges of assize; for  
 ‘ the witnesses will there support and confirm what  
 ‘ they have before sworn to before the justices of  
 ‘ peace; and the judges of assize will often find the  
 ‘ evidence so contradictory, that they will be at a  
 ‘ great loss how to determine, or which side to be-  
 ‘ lieve, being deprived of that method of trying the  
 ‘ facts in question by the verdict of a jury, which  
 ‘ is the method our courts of equity always have re-  
 ‘ course to, when they find witnesses swearing in  
 ‘ flat contradiction to one another.

‘ I shall always be, my Lords, for lessening the  
 ‘ expences of law-suits as much as possible, and for  
 ‘ making the recovery of property as easy and ex-  
 ‘ peditious as the nature of such suits can admit of:  
 ‘ For this reason, if the bill now before us had an-  
 ‘ swered the title, I should have readily agreed to  
 ‘ its being committed; but it is so far from answer-  
 ‘ ing the title, that it will, in my opinion, render  
 ‘ precarious the property both of clergymen and  
 ‘ Quakers; and it is really one of the most incorrect  
 ‘ and confused bills that was ever, I believe, sent up  
 ‘ to this house. The King’s courts, and all other  
 ‘ courts, are to be for ever excluded taking any cog-  
 ‘ nizance of the value of tythes due by Quakers, and  
 ‘ a new sort of jurisdiction, with respect to them, is  
 ‘ to be given to justices of peace; but the words by  
 ‘ which this jurisdiction is to be given are very ex-  
 ‘ traordinary; these justices are neither to order or  
 ‘ decree as judges, nor are they to award as arbiters,  
 ‘ but they are to adjudge, and yet there are no  
 ‘ proper powers given them for discovering what  
 ‘ they are to adjudge; for if the Quaker should re-  
 ‘ fuse or neglect to appear, what are the justices in  
 ‘ that



‘ that case to adjudge? Are they to adjudge what-  
 ‘ ever may be suggested to be due by the complain-  
 ‘ nant, or are they to adjudge only what he is able to  
 ‘ prove? If they are to adjudge according to the  
 ‘ suggestion of the plaintiff, the Quakers will be in  
 ‘ a most dangerous situation; for they may often  
 ‘ have a distress brought upon their goods for a great  
 ‘ deal more than is due, without their being apprised  
 ‘ of a complaint’s having ever been made against  
 ‘ them; and if the justices are to adjudge only according  
 ‘ to the proof that may be brought by the  
 ‘ complainant, it may often be impossible for him to  
 ‘ prove his just demand by any witness; nor can he,  
 ‘ through the defendant’s contumacy, prove it by  
 ‘ the oath or confession of the party; yet in this  
 ‘ case the adjudication made by the justices is, by  
 ‘ this clause in the bill, to be absolutely final and con-  
 ‘ clusive to all parties: Indeed by a following clause,  
 ‘ there is an unlimited and full power given to *any*  
 ‘ person, thinking himself aggrieved by *any* deter-  
 ‘ mination of the justices, to appeal from the same  
 ‘ unto the judges of assize; and which of these clau-  
 ‘ ses is to be of the greatest authority, I do not  
 ‘ know, for they are certainly inconsistent with one  
 ‘ another.

‘ As the incumbent has but one tenth, and the  
 ‘ farmer nine tenths of the crop upon the ground,  
 ‘ the common law, my Lords, and all our statutes  
 ‘ till this present time, have most justly left the care  
 ‘ and the management of the whole to the farmer;  
 ‘ he may remove his crop whenever he pleases, pro-  
 ‘ viding he leaves upon the ground one tenth for  
 ‘ the incumbent, and the incumbent is to carry away  
 ‘ his tenth in a convenient time; but by the bill now  
 ‘ before us, the whole crop must depend very much  
 ‘ upon the care of the incumbent or his tything-man;  
 ‘ for the farmer being a Quaker, his conscience will  
 ‘ not allow him, as is pretended, to set out the tythe,  
 ‘ and therefore he must leave his whole crop upon  
 ‘ the

' the ground, till the incumbent or his tything-man  
 ' pleases to come and set it out for him, otherways  
 ' he must forfeit the double value; so that in this  
 ' unsettled climate he may often lose his whole crop,  
 ' in waiting for the incumbent's tything-man. But  
 ' if the Quaker's conscience should prompt him to  
 ' disobey this new law as well as the former; let us  
 ' consider what condition the incumbent will then be  
 ' in; he cannot file his bill in the *Exchequer* for a  
 ' discovery, as he might formerly have done, he can  
 ' only bring his action for the double value; and if  
 ' he can bring no proof of the value of the tythe ta-  
 ' ken away, which is often the case, how can he re-  
 ' cover the double value? If he chuses to bring his  
 ' complaint before two justices of the peace, his case  
 ' will be the same, the Quaker will not appear to be  
 ' examined; and as the incumbent can bring no proof  
 ' of the tythe taken away, the justices can make no  
 ' adjudication.

' I must likewise take notice, my Lords, that  
 ' this tything-man, this new judge, that is by this  
 ' clause to be appointed, seems to be invested with a  
 ' very arbitrary sort of power, and may not only  
 ' be a tythe-gatherer but a tax-gatherer, both upon  
 ' the Quaker and incumbent; for he is made liable  
 ' to no controul, nor to any punishment, in case he  
 ' should deal unjustly or unequally in setting out the  
 ' Quaker's tythe; so that he may first induce the in-  
 ' cumbent to give him a fee, by promising to take  
 ' special care of his interest in setting out the tythe,  
 ' and then he may compel the Quaker to give him  
 ' another fee, by threatening that if he does not, he  
 ' will take such a method of setting out the tythe,  
 ' as shall be very much to his disadvantage: Such a  
 ' threatening must certainly be of great weight with  
 ' the Quaker, because if he should remove any part  
 ' of the tythe so unequally set out by the tything-  
 ' man, he is made liable to an action, I believe, for  
 ' double

‘ double the value of the whole tythe; and in case  
 ‘ of such injustice committed by the tything-man,  
 ‘ there is no redress provided by this or any other  
 ‘ clause in the bill. Let us consider, my Lords, that  
 ‘ this tything-man must generally be a man of low  
 ‘ circumstances, and perhaps of as low a character;  
 ‘ and let us consider how apt such men are to make  
 ‘ use of any power they are invested with, for rais-  
 ‘ ing perquisites to themselves, especially where no  
 ‘ fee or proper reward for their service is appointed  
 ‘ by law; which I must take to be another defect  
 ‘ in the bill; for the tything-man ought certainly to  
 ‘ be paid for his trouble; and since the employing of  
 ‘ any such man is intirely owing to the Quaker’s  
 ‘ scruple of conscience, as it is called, I cannot think  
 ‘ it reasonable, that the incumbent should be obliged  
 ‘ to pay for the Quaker’s scruples; yet this is the  
 ‘ case as the bill stands at present; for as the tything-  
 ‘ man is to be appointed and be employed by the  
 ‘ incumbent, the incumbent must certainly pay him  
 ‘ for his trouble.

‘ This shews, my Lords, how dangerous it is to  
 ‘ alter the established laws of a country, how diffi-  
 ‘ cult it is to form any new law, which may not  
 ‘ expose some men to great hardships and inconve-  
 ‘ niences. I could point out many other imperfec-  
 ‘ tions in the bill now before us: There is not any  
 ‘ effectual method prescribed for compelling witness-  
 ‘ es to appear either before the justices of the peace  
 ‘ or the judges of the assize; for as the witnesses may  
 ‘ often be such as have neither goods nor chattels, a  
 ‘ distress will signify nothing, and there is no provi-  
 ‘ sion made for the imprisonment of their persons,  
 ‘ or for subjecting them to any other punishment  
 ‘ in case of contempt: But I need not enter farther  
 ‘ into particulars; the bill is not only defective in  
 ‘ every paragraph, but the whole scheme of it is  
 ‘ wrong; which, I believe, proceeded from the me-  
 ‘ thod

‘ thod of passing it in the other house: A bill was  
‘ brought in there for the purpose mentioned in the  
‘ title of this bill; that bill which was first brought  
‘ in, (I think I may mention it, because it was print-  
‘ ed) was even there acknowledged to be wrong, and  
‘ therefore in the Committee, they amended it in  
‘ such a manner, as to make it, in a great measure,  
‘ a new bill; this hurry occasioned even that new  
‘ bill, which is the bill we now have before us, to be  
‘ extremely defective, and if we proceed in the same  
‘ manner, we may probably fall into the same  
‘ error; for I think it impossible to make a proper  
‘ bill of that we have now before us, without alter-  
‘ ing the whole, which, according to our methods of  
‘ proceeding, cannot be done in the Committee;  
‘ for as the bill would then be a new bill, it could  
‘ not be pretended that such a bill had been twice  
‘ read, then committed, and after that read a third  
‘ time, which is the method of passing bills constant-  
‘ ly observed in this house.

‘ But suppose, my Lords, it were consistent with  
‘ our forms of proceeding, yet considering that the  
‘ forms of proceeding in so many of our courts of  
‘ judicature, and such a great part of our law must  
‘ necessarily come under our consideration, I think  
‘ it impossible to alter and amend this bill, or rather  
‘ to draw up a new bill proper for the purpose de-  
‘ signed, either in the Committee, or in the short  
‘ time we have now to sit; at least for my own part  
‘ I declare my incapacity; and therefore, I hope I  
‘ shall be excused from having any hand in the affair.  
‘ For these reasons I must think, that the referring  
‘ of this bill to a Committee, will be taking up the  
‘ time of this house to no purpose, and therefore I  
‘ must be against it.’

The reply was to this effect, *viz.*

‘ My



‘ My Lords, as I am to declare myself in favour  
 ‘ of the bill now under our consideration, from what  
 ‘ has been said of the other side, I think it is in-  
 ‘ cumbent upon me first to declare, that I have as  
 ‘ great a regard for the established church, and for  
 ‘ the properties of the clergy, as any Lord in this  
 ‘ house, as any man in the kingdom can reasonably  
 ‘ have; and if I thought that any thing in this  
 ‘ bill would in the least injure the church, or deprive  
 ‘ the clergy thereof, of the smallest part of that pro-  
 ‘ perty which is due to them by law, I should be for  
 ‘ rejecting the bill with the utmost contempt. We  
 ‘ all know, my Lords, or have heard of the noble  
 ‘ stand made by the clergy of our national church,  
 ‘ against those schemes of arbitrary power which  
 ‘ were set up before, and which were the causes of  
 ‘ the late happy revolution; but I cannot think that  
 ‘ the properties of the clergy of our church, were  
 ‘ then in any greater security, than the properties of  
 ‘ the rest of their fellow-subjects: By a slavish com-  
 ‘ pliance they might, indeed, have greatly increased  
 ‘ the properties of another church; but they could  
 ‘ not so much as have preserved their own, or even  
 ‘ their lives, without carrying that slavish compliance  
 ‘ so far as to betray that church, of which they had  
 ‘ declared themselves members, and abjure those  
 ‘ principles of religion, which they had undertaken,  
 ‘ which they had sworn to promote. We likewise  
 ‘ know, how firmly attached most of them, I hope  
 ‘ all of them, are to the present happy establishment;  
 ‘ and for so being, they have certainly the strongest  
 ‘ reasons; for they may depend on it, that this go-  
 ‘ vernment will always support the church in gene-  
 ‘ ral, and will protect every one of them in parti-  
 ‘ cular, so far as may be reasonable or consistent  
 ‘ with the government of a free people.

‘ At the same time, my Lords, that I declare  
 ‘ my attachment to, and my regard for the church  
 ‘ of *England*, I must declare my good-will and my



' charity towards those people called Quakers. I  
 ' have always looked upon them, as a most useful  
 ' and most innocent part of our subjects. Their uni-  
 ' versal charity and humanity, their great care of  
 ' all those of their own persuasion, their private  
 ' œconomy, self denial, and industry, are virtues  
 ' which deserve the regard and the imitation of all  
 ' those of the established church: They contribute  
 ' greatly to the riches of the kingdom, by the trade  
 ' and manufactures they carry on, they aspire to no  
 ' places of honour or profit, and they have never  
 ' been, by their profession they cannot be, concern-  
 ' ed in any disturbances raised against the state: For  
 ' these virtues, and for these qualities, they must al-  
 ' ways deserve the countenance of the legislature;  
 ' they surely deserve, at least, to be protected  
 ' against all manner of oppression or persecution:  
 ' And with respect to their behaviour at the revo-  
 ' lution, or their behaviour ever since that time, they  
 ' stand upon an equal footing with any set of men  
 ' in the kingdom; but as no virtues, no qualifica-  
 ' tions, no merit, can intitle them to injure any man  
 ' in his private property, or to expect any favours  
 ' that may be inconsistent with the safety of the  
 ' established church, they do not now, nor ever did,  
 ' pretend to sue for any such thing: They only de-  
 ' sire that, That which is declared by the laws to be  
 ' the property of another man, may be taken from  
 ' them, without loading them with heavy and rui-  
 ' nous costs of suit; because their conscience will  
 ' not allow them to admit, that it does belong to  
 ' another man, or to deliver it till compelled by  
 ' some sort of law suit.

' There is nothing, my Lords, in my opinion, of  
 ' a more tender nature than conscience; for if a man  
 ' begins once to take any latitude, or use a liber-  
 ' ty in any one affair, in which he may think his  
 ' conscience concerned, we generally find, that he  
 ' soon after begins to take the same latitude, the

‘ same liberty, in other affairs of the same nature ;  
‘ and at last he throws up conscience intirely, in  
‘ every case where it seems to interfere either with  
‘ his interest or his pleasure ; for this reason, I shall  
‘ always have a great regard for those men who shew  
‘ a great regard to their conscience, even though it  
‘ be in a case, where I may think the scruple ridiculous, where I may think that conscience is  
‘ not in the least concerned. I shall agree with the  
‘ noble Lords of the other side of the question,  
‘ that, in my opinion, conscience can have nothing  
‘ to do but in matters of faith or religious worship :  
‘ It can never be brought in justification of an immoral action, nor can it be pretended in any affair that relates only to property ; but I cannot  
‘ see from whence I can pretend to any title to judge  
‘ for another man, what may, or may not be  
‘ a matter of faith or religious worship ; what may,  
‘ or may not be an immoral action ; or what may,  
‘ or may not relate to property only. In either of  
‘ which cases, if another man’s opinion differs from  
‘ mine ; if he thinks his conscience concerned in  
‘ doing or not doing an action, in which I may  
‘ think conscience has no concern, or that it is concerned upon the other side of the question, I think  
‘ I have no title to punish or persecute him for conscience sake : Nay, I think, if I should be in danger of suffering, or should actually suffer by his  
‘ scruple of conscience, I might endeavour to prevent  
‘ my suffering, or I might insist upon reparation,  
‘ but I could have no title to punish him, for what  
‘ his conscience prompted him to do, or not to do ;  
‘ on the contrary, I should think myself obliged in  
‘ charity, to endeavour to prevent his suffering, or  
‘ to take my reparation, by those means which  
‘ would be of the least injury or damage to my conscientious friend. This, I think, is exactly agreeable to the principles of christianity, and the contrary doctrine is that, upon which all manner of  
‘ perse-

‘persecution may be founded; because, if I take  
 ‘the liberty, or rather the privilege to judge for  
 ‘another man with respect to his conscience, and  
 ‘to punish him as an obstinate man, because he  
 ‘thinks himself obliged in conscience, not to do  
 ‘that, in which I think conscience can have no con-  
 ‘cern, I may certainly upon the same principle,  
 ‘take the privilege of punishing him for doing or  
 ‘not doing that, which I think he is in conscience  
 ‘obliged to do or not to do; for if I can punish a  
 ‘man for having too much conscience, I may surely  
 ‘punish him for having too little.

‘Now, my Lords, with respect to the case, or  
 ‘pretended case of conscience at present before us;  
 ‘I should have been glad to have heard it positively  
 ‘asserted by some of the noble Lords who have spoke  
 ‘upon the other side of the question, That tythes  
 ‘are not due by any divine right in the church; be-  
 ‘cause, I believe such positive declaration would  
 ‘have given great satisfaction to the Quakers; and  
 ‘would, I am sure, have rendered them less excusa-  
 ‘ble: For my own part, I am fully convinced, that  
 ‘tythes are not due by any divine right either in  
 ‘the church, or in any other person political or na-  
 ‘tural; and should be glad to hear myself contra-  
 ‘dicted, because I am now ready to argue the point.  
 ‘I know that no such thing was pretended during  
 ‘the first ages of christianity: This divine right  
 ‘was not set up till the 8th century; it was first set  
 ‘up in *France*, where the abbots and monks had  
 ‘got possession of most of those estates that had  
 ‘been appropriated for supporting the parochial cler-  
 ‘gy; and as those priests were not willing to give  
 ‘up what they had got once into their clutches, and  
 ‘were too powerful to be compelled, they first broach-  
 ‘ed that doctrine of tythes being due by a divine right  
 ‘in the church, in which the government and other  
 ‘priests found themselves obliged to join, because  
 ‘they had no other way of providing for the paro-  
 ‘chial

' chial clergy, who are certainly of all priests the  
 ' most useful to society. By this means, the doc-  
 ' trine was soon established, and for a whole century  
 ' after, became the subject of almost every sermon,  
 ' not only in *France*, but in every country of *Eu-*  
 ' *rope*; so that one could hear nothing from the pul-  
 ' pit but the divine right of tythes, and the damna-  
 ' ble sin it was to deprive or defraud the church of  
 ' them. As it was at that time dangerous to con-  
 ' tradict or oppose the most ridiculous doctrine that  
 ' could be set up by the priests, this, among many  
 ' others, was generally received, and every landed  
 ' gentleman or farmer paid tythes out of every sort  
 ' of produce from his land, every merchant paid  
 ' tythes out of the profits of his trade, every trades-  
 ' man and mechanic paid tythes out of the profits  
 ' of his or his servants labour, nay, the very soldiers  
 ' paid tythes out of their pay. Thank God, my  
 ' Lords, we are not now in this kingdom obliged  
 ' to render an implicit faith to what any set of men  
 ' may tell us, and this doctrine, with many others,  
 ' has met with the fate it deserves; but do not let  
 ' us imagine it is as yet without advocates, or even  
 ' without believers; and as long as there is one ad-  
 ' vocate for it in the kingdom, the Quakers ought  
 ' at least to be excused for making the contrary  
 ' doctrine an article of their faith, and consequently,  
 ' a matter, in which their conscience must have a  
 ' concern.

' Whether there be now in this kingdom any  
 ' person intitled to tythes, who thinks that they are  
 ' of divine right, I shall not pretend to determine;  
 ' but I never heard of one, who thought that he  
 ' could not in his conscience sue for them in any  
 ' court but the spiritual, when he thought he might  
 ' meet with a more adequate, or a more speedy re-  
 ' paration from the temporal. If there were any  
 ' such conscientious divine-right-men among us, I  
 ' must say, that, notwithstanding my being convin-  
 ' ced



‘ced that the opinion is ridiculous; I should have as  
 ‘great a regard as possible for the r scruple of con-  
 ‘science, and would be very far from thinking, that  
 ‘they ought to be persecuted or ruined, singly on  
 ‘that account; but the conscience of such a set of  
 ‘men, if there were any such could be of no weight  
 ‘against this bill, or against a general prohibition of  
 ‘bringing any suit for tythes into the spiritual court,  
 ‘because they might sell the estates they had in  
 ‘tythes; and it would be no great injury either to  
 ‘them or the public, to disable such persons from  
 ‘holding any estate in tythes; whereas, it would be  
 ‘an injury to the public, to disable all Quakers, or  
 ‘any other set of men, from being farmers; and it  
 ‘would be an injury to every particular man who  
 ‘had been bred to that business.

‘We are not now to dispute the property of  
 ‘tythes, or in whom it is lodged; though I take  
 ‘it, that till they are set out, the person intitled to  
 ‘them has only a right to them; he has not till  
 ‘then a property in them: However, this can make  
 ‘no material difference in the case; for whoever  
 ‘thinks he owes any thing to another, is as much  
 ‘obliged in conscience to pay what he owes, as he  
 ‘that has got possession of another’s property, is in  
 ‘conscience obliged to restore that property to the  
 ‘right owner; but the Quaker does not think he  
 ‘owes tythe to any man, nor does he think that any  
 ‘other man can have a property, in any part of the  
 ‘produce of his labour and industry; therefore he  
 ‘does not think himself obliged in conscience to pay  
 ‘or restore. Nay, since tythes were at first pre-  
 ‘tended to from a divine right, and as such made  
 ‘payable by the laws of this kingdom, the Quaker  
 ‘thinks he cannot in conscience voluntarily and free-  
 ‘ly comply with such laws, because it would be at  
 ‘least a tacit acknowledgment of that doctrine upon  
 ‘which those laws were founded.



' I shall grant, my Lords, that a person who  
 ' from meer obstinacy or litigiousness, refuses to pay  
 ' till compelled by law, deserves to be prosecuted in  
 ' the most expensive manner, in order to punish him  
 ' with heavy costs, and to terrify others from being  
 ' guilty of the same obstinacy or litigiousness; but  
 ' when a person is unable to pay what is legally  
 ' due, I say it is downright oppression, to sue for it  
 ' in an expensive way, when the debt might be as  
 ' effectually recovered in a cheap and easy method;  
 ' and if a person refuses to pay what is legally due,  
 ' because his conscience will not allow him to pay  
 ' till compelled by law, it is downright persecution  
 ' to sue in an expensive way, when the debt might  
 ' be as effectually, and much sooner recovered by a  
 ' cheap and easy method. It is without doubt an  
 ' injury done to a man, to oblige him to go to law  
 ' for the recovery of what is justly due; but with  
 ' respect to the Quaker, this injury proceeds from a  
 ' scruple of conscience, and therefore, the injured  
 ' person, if he be a christian, will seek for repara-  
 ' tion in that method, which may be of least da-  
 ' mage to the conscientious Quaker. In his case, I  
 ' ought neither to punish nor terrify. If I punish,  
 ' for what do I punish? I punish a man for being  
 ' conscientious. Is this just? If I terrify, for what  
 ' end do I terrify? I terrify, in order to compel a  
 ' man to act contrary to his conscience. Is this  
 ' christian? My Lords, no conscientious Quaker can  
 ' pay tythes without a law-suit; and therefore the  
 ' only effect this bill can have, will be, that fewer  
 ' Quakers will from henceforth be terrified by ex-  
 ' cessive cost to do that, which they cannot with a  
 ' safe conscience do. Is this an effect to be dreaded?  
 ' Is it not an effect to be desired by every man who  
 ' professes himself a christian?  
 ' It seems to be laid down as a maxim by some  
 ' Lords in this debate, That the Quakers can have  
 ' no scruple of conscience in paying tythes, and upon  
 ' this

‘ this maxim, most of their arguments have been  
 ‘ founded; but, my Lords, I lay it down as a  
 ‘ maxim, that they have a scruple of conscience,  
 ‘ and my maxim is certainly the most charitable: I  
 ‘ shall not say that their scruple is well founded, or  
 ‘ that it has any tolerable foundation; but we have  
 ‘ had many people burnt in this very kingdom, for  
 ‘ a scruple of conscience much like this of the Qua-  
 ‘ kers. The *Lollards*, many of them, were burnt  
 ‘ for not paying the tax called *Peter-pence*; yet that  
 ‘ tax was then due by the laws of the land as much  
 ‘ as the tythes are now: However, those poor peo-  
 ‘ ple thought they could not in conscience pay it,  
 ‘ and suffered being burnt to death, rather than get  
 ‘ over that scruple of conscience: Surely they were  
 ‘ in earnest; and I cannot think, that a man who  
 ‘ suffers himself to be ruined and imprisoned, for  
 ‘ the sake of any scruple of conscience, can be in  
 ‘ jest. If by some odd turn in our religious affairs,  
 ‘ we should begin again to light up sacrifices in this  
 ‘ kingdom, and should make a law for obliging  
 ‘ every man to give the firstlings of his flock, or so  
 ‘ much money yearly to his parish priest for that  
 ‘ purpose, I should not think him a very conscien-  
 ‘ tious christian, that would voluntarily and freely  
 ‘ comply with such a law; so that there may be  
 ‘ cases supposed, in which an obedience to the laws  
 ‘ of the land, in the payment of taxes, would really  
 ‘ be inconsistent with good conscience; and there-  
 ‘ fore, in charity, we ought to believe that the  
 ‘ Quakers are sincere, in the scruple of conscience  
 ‘ they pretend, with respect to the payment of tythes;  
 ‘ for as they think that every man who is capable,  
 ‘ or who is moved by the spirit as they call it, is  
 ‘ obliged to preach the doctrine of Christ, without  
 ‘ fee or reward, they may, and they probably do  
 ‘ think it as inconsistent with christianity to preach  
 ‘ for hire, or to give hire for preaching, as we  
 ‘ would think it to sacrifice, or to give money for

& sacrifices. For this reason, I am against perse-  
 'cuting them with heavy costs; and for the same  
 'reason, if there were in the kingdom such Non-  
 'jurors as have been mentioned, as long as they did  
 'not any way disturb the government, I should be  
 'for shewing all possible regard to the tenderness of  
 'their conscience; I should be for taking the taxes  
 'from them in the most easy and cheap method that  
 'could be contrived: So far would I be from look-  
 'ing upon their scruple of conscience as seditious,  
 'or treating their application with contempt, that I  
 'should be for taking the taxes from them in any  
 'manner they could prescribe, providing it did not  
 'injure the government.

' Suppose then, my Lords, the Quakers are sin-  
 'cere in this scruple of conscience they pretend, let  
 'us consider the condition they are in at pre-  
 'sent, and the condition they desire to be in, in  
 'order to see whether they are now liable to any  
 'hardships, or if what they desire can injure the  
 'person intitled to their tythes. From what I have  
 'supposed it must be granted, that no conscientious  
 'Quaker can pay tythe till it is taken from him by  
 'law, that is, by the sentence or decree of some  
 'court: As the expences in recovering by this sen-  
 'tence, and of levying the tythe in pursuance there-  
 'of, must all come upon the Quaker, and as this  
 'expence must recur every year upon him, it is evi-  
 'dent that, if this expence were large, every con-  
 'scientious Quaker liable to pay tythes would soon  
 'be undone: For this reason a cheap and easy me-  
 'thod for recovering tythes from Quakers has been  
 'provided: The person intitled applies to the two  
 'next justices, the Quaker does not contest the de-  
 'mand, and by the sentence of these two justices the  
 'person intitled takes his tythe without putting him-  
 'self or the Quaker to any great trouble or expence;  
 'and this remedy has ever since been always made  
 'use of against Quakers by every good-natured man

in

' in the kingdom: But let the tythe be ever so small,  
 ' let it be but a shilling; if the person intitled be a  
 ' lawyer, or a cruel, avaritious, or malicious man,  
 ' he may on account of that shilling, which the  
 ' Quaker cannot in conscience pay voluntarily, put  
 ' the Quaker to 20*l.* perhaps 100*l.* charge; be-  
 ' cause he is not obliged to take the easy and cheap  
 ' method of recovering his right before the two next  
 ' justices, but may have recourse to an expensive suit  
 ' in the *Exchequer*, or a more expensive one in the  
 ' spiritual court; and as these demands for tythe re-  
 ' turn every year, it is plain that the Quaker must  
 ' in a short time either give up his whole estate, or  
 ' his conscience. If the person intitled to tythe be a  
 ' lawyer, he will probably take this last method for  
 ' his profit; if he be a cruel or malicious man, he  
 ' will take it for his pleasure; and if he be an a-  
 ' varitious man, he has from hence a most excellent  
 ' handle for obliging the Quaker to give him year-  
 ' ly a large contribution, in order to prevail with  
 ' him to take his remedy for tythe before the two  
 ' next justices of peace. To this I shall add, that if  
 ' the person intitled to tythe be a clergyman, and  
 ' one of a persecuting spirit, he will probably, for  
 ' the satisfaction of that spirit, take this last method,  
 ' to the great scandal of our established church.  
 ' Nay, such a man may probably, instead of taking  
 ' the Quaker's goods by distress, take his person in  
 ' execution, in order to compel him by imprison-  
 ' ment to abjure his religion, which would be a me-  
 ' thod of converting, your Lordships would not sure-  
 ' ly approve of.

' Your Lordships must from hence see what an  
 ' infinite series of oppression and persecution the  
 ' Quakers are subjected to by the laws as they stand  
 ' at present; and from this oppression or persecution  
 ' no Quaker can free himself, but by giving up  
 ' his conscience, or giving up his farm; the first,  
 ' I am sure, no good man will desire, the last would  
 ' be

' be a great injury to the public as well as to the  
 ' Quaker himself. After the suit is once commen-  
 ' ced, let it be in what court it will, the Quaker  
 ' cannot put a stop to the expence by consigning the  
 ' money due, as has been mentioned by a noble  
 ' Lord of the other side: That consignment he must  
 ' look on as a voluntary payment of tythe, and  
 ' that his conscience will not allow him to make.  
 ' But besides, he may, and probably will be sued  
 ' in the ecclesiastical court, which is a court in which  
 ' his conscience will not so much as permit him to  
 ' appear; it is a court where no man ought to be  
 ' made to appear for the recovery, or for the de-  
 ' fence of any temporal right: The very sentence  
 ' they pronounce, as it is a damning sentence, I may  
 ' beg leave to call it a most damnable sentence:  
 ' To pronounce such a sentence is most unchristian:  
 ' To excommunicate a man for the value of perhaps  
 ' 4*d.* is terrible, and to imagine it has the effects pre-  
 ' tended, can proceed from nothing but a belief  
 ' in that *Anti-christian* power set up by the church of  
 ' *Rome*.

' Having thus laid before your Lordships the  
 ' hardships the Quakers are exposed to, I shall next  
 ' beg leave to explain what I take to be the inten-  
 ' tion of this bill, for it seems to have been very  
 ' much misapprehended. By this bill it is propo-  
 ' sed to be enacted, that the person intitled to tythes,  
 ' instead of suing for them in the spiritual court,  
 ' shall bring his complaint before two justices of the  
 ' peace in the said county; and they are impower-  
 ' ed and enabled to examine into the affair by the  
 ' oath of the party, by witnesses or otherwise, to  
 ' determine, award, and adjudge what they think  
 ' to be due, and to levy the same by distress and  
 ' sale of goods, or by imprisonment of the per-  
 ' son, when sufficient goods are not to be found; but  
 ' if the Quaker appears before the justices, and con-  
 ' tests



‘ tests the value of the tythes in dispute, in case the  
‘ justices should, by mistake or otherwise, do an  
‘ injury to either party, there are two remedies pro-  
‘ vided, one of which is common to the defendant,  
‘ as well as complainant, which is, that either of  
‘ them may appeal to the judge of assize; but the  
‘ other is for the complainant only, and is such as  
‘ he cannot, I think, make the least objection to;  
‘ for he is left at liberty to take any one of the re-  
‘ medies for the recovery of his tythe, to which he  
‘ is now intitled, and is to have all his costs, in case  
‘ he recovers more than was adjudged to him by the  
‘ justices: He may sue in the ecclesiastical court, he  
‘ may bring his action at common law, or he may  
‘ bring his bill in the *Exchequer* for a discovery, in  
‘ the same manner as if this bill had never been  
‘ thought of; but if any such action or suit ap-  
‘ pears to be vexatious, by his not recovering any  
‘ greater value of tythe than what was adjudged  
‘ him by the justices of peace, he is then most just-  
‘ ly, I think, to pay costs to the defendant. Then  
‘ as the Quaker can never in conscience set out the  
‘ tythe himself, or cause it to be set out, and as the  
‘ incumbent may chuse to have his tythe in kind,  
‘ which he cannot possibly have at present, there  
‘ is this remedy provided, a proper person is to be  
‘ employed by the incumbent, who is impowered to  
‘ enter upon the Quaker’s ground and set out the  
‘ tythe, which the incumbent may then remove at  
‘ his pleasure.

‘ By these regulations your Lordships must see  
‘ that the Quaker will be set free from that oppres-  
‘ sion and persecution he is now exposed to: If this  
‘ bill passes, which I hope it will, he cannot here-  
‘ after be terrified into the making a sacrifice of  
‘ his conscience, nor can an avaritious incumbent  
‘ oblige him to commute for such a sacrifice, by bri-  
‘ bing him not to prosecute in any expensive court;  
‘ and whether the incumbent or any other person can  
‘ from

‘ from these regulations receive any injury, will best  
‘ appear by considering the objections that have been  
‘ made against them.

‘ I do not know, my Lords, but there may be  
‘ more reason to suspect the justices of partiality  
‘ than to suspect the judges of his Majesty’s courts in  
‘ *Westminster-hall*; but I do not think they can be  
‘ suspected of more partiality than the judges of ec-  
‘ clesiastical courts. However, suppose the justices  
‘ to be generally partial, what reason can be assign-  
‘ ed for their partiality’s being generally in favour  
‘ of Quakers? There are many of them who  
‘ are themselves proprietors or tax-men of tythes;  
‘ and as the complainant will always have his choice  
‘ of the whole commission of the peace for a county,  
‘ he will certainly carry his complaint before two  
‘ justices, upon whose candour, perhaps, upon whose  
‘ favour, he may with confidence rely; so that if  
‘ there is any partiality to be apprehended, it may  
‘ justly be suspected, that the partiality will be of-  
‘ tener against than in favour of the Quaker. Then  
‘ as no complaint for tythe is by this bill to be de-  
‘ termined by the justices, if any matter of right be  
‘ in question, as no complaint is to be determined  
‘ by them, but only such as relate to the tythe upon  
‘ a small spot of ground, and for one year only, it  
‘ is certain, that the justices of peace are by the  
‘ laws now in being made judges in many cases of  
‘ greater value than any such complaint can be of;  
‘ for considering the vast difference in the produce of  
‘ lands between one year and another, it is impossi-  
‘ ble to imagine, that one year’s determination can  
‘ be any rule for measuring the value of the very  
‘ next year’s produce, and much less for all succeed-  
‘ ing years; therefore the value of the complaint  
‘ or suit in which the justices are to be made judg-  
‘ es, is not to be computed from the price the  
‘ tythe might sell for, but only from what is then be-  
‘ fore

‘ fore the justices, which is the value of one year’s  
‘ produce.

‘ I confess, my Lords, I have a very great veneration for our method of trial by jury; I have always looked upon it as one of the safe-guards for the lives and the liberties, as well as the properties of the people of this kingdom; and therefore I shall always be for preserving that method in all trials where any matter of right, or any matter of great value, comes in question; but I cannot think that method is so absolutely necessary in causes where a trifling sum only comes to be in dispute; and in the case now before us, it would be quite useless to order a trial upon every occasion; because as the Quaker refuses his tythe only for conscience sake, he will never contest the matter before the justices, or oppose their giving sentence for what he knows to be due by the laws of the kingdom: There will never be any dispute before the justices, but when the incumbent and the Quaker cannot agree about the value; and in such a case, you may order that the two justices shall report the affair to the quarter-sessions, and that the case in dispute shall be there tried by a jury. This will be but a small and an easy amendment to the bill; it will be very far from making it a new bill; therefore it may be made in the committee, and yet I believe it will be the most material amendment the bill will stand in need of.

‘ The known laws of the kingdom, or the ancient methods of the courts of judicature, ought not, I acknowledge, to be altered, but upon the most mature deliberation: But, my Lords, our laws are not like the laws of the *Medes* and *Persians*, they may be altered, they ought to be altered, when time, which is the touch-stone of every law, and of every method of proceedings, has discovered, that it stands greatly in need of an alteration or amendment. I must so far agree with the noble

‘ Lord

‘ Lord as to declare, that I should not be for altering an established law or method of proceeding for the sake only of a meer possibility, that an ill use might be made of it; but when there appears to me a great probability that an ill use will be made of it, I must be of opinion, that it is then high time to think of an alteration, and to contrive some method for preventing that inconvenience which is likely to arise. This is the case at present, it has been discovered to us, that a considerable number of our fellow subjects are exposed by the laws as they stand at present, to be oppressed and persecuted by others, who may find a particular and private advantage in doing so, and who cannot naturally be supposed to bear them any extraordinary good-will: Is this a meer possibility? Is there not the highest probability, that, where a man has a power to oppress, and can find an interest or a satisfaction, or both, in so doing, he will make use of that power? And when a great number of such men are invested with such a power, is there any doubt to be made, but that some of them will make use of it? In the case of such an apparent, I may say of such a certain evil, are we to wait till numbers have been oppressed and ruined? And are we even then to insist upon legal proofs of that oppression? No, my Lords, it was never the custom of this house, nor I hope ever will: We have made many laws, we have altered many laws, for preventing inconveniences, without the least proof that ever any such inconveniencies had been felt. The late act for regulating the quartering of soldiers was certainly some alteration of the law in that respect; and was made for preventing an inconvenience which had really never happened. The law for burning witches, the law *de Heretico comburendo* were both repealed without any legal proofs. It is said they could never be used  
‘ without

‘ without being abused; I say the same of expensive  
‘ suits against Quakers, for tythes that might have  
‘ been recovered before the two next justices; and I  
‘ must think it almost as cruel to ruin a Quaker by  
‘ such expensive suits, and thereby expose him to  
‘ starve or rot in a jail, as it would be to burn him  
‘ for a Heretic, or to burn an old woman for deal-  
‘ ing with the devil. The first and the second of  
‘ these cruelties, certainly proceed from the same  
‘ spirit, and we find that the power of the devil with  
‘ respect to witches, has generally kept pace with  
‘ the power of priests over heretics.

‘ I am convinced, my Lords, if it had been  
‘ thought absolutely necessary, we might have had  
‘ many proofs of oppressions and persecutions in the  
‘ case now before us: Considering the nature of  
‘ mankind, where there is such a handle for oppres-  
‘ sion, it is not possible to imagine, but that some  
‘ of those many who might use it, have used it. I  
‘ shall not pretend to find fault with the order your  
‘ Lordships have made, but I must still think, we  
‘ might have got some information even from law-  
‘ yers clerks, they could have told us a great many  
‘ facts, and after we had heard them, we might  
‘ have given what credit to them we pleased, and  
‘ we might have formed such a judgment upon them  
‘ as we thought proper; nay, for our farther infor-  
‘ mation we might have called for those particular  
‘ records that had been mentioned: But could we  
‘ expect or desire that the Quakers should have  
‘ brought before us authentic copies of a great num-  
‘ ber of records, and that without any particular  
‘ direction: Let us consider what a vast expence this  
‘ would have been: Let us consider there is nothing  
‘ in the preamble of the bill that required any such  
‘ expence; and we must therefore conclude, that no  
‘ prudent man would have put himself to such an ex-  
‘ pence. We have given them leave to produce  
‘ evidence which they told us they had not, we have  
‘ restrained



' restrained them from producing that evidence they  
 ' told us they had; and now we say, we cannot al-  
 ' ter the law, without proofs that a bad use has been  
 ' made of it as it stands at present. The method of  
 ' recovering tythes before the justices of peace has  
 ' been found so easy and so effectual, that, as it is ac-  
 ' knowledged of all sides, every wise and good-na-  
 ' tured man has ever since chosen it: What are we  
 ' then to do by this bill? We are to clip the wings  
 ' of the unjust, the malicious and the oppressive:  
 ' We are to take from them a power to oppress, a  
 ' power to persecute, because they have made, and  
 ' it is certain they always will make, a bad use of it.  
 ' I am surprized, my Lords, to hear so many diffi-  
 ' culties started against such a bill.

' But there is another reason, my Lords, why I  
 ' wish you had heard some of those witnesses the  
 ' Quakers had to bring before you: They might  
 ' have given us some account of the costliness, and  
 ' of the extraordinary methods of proceeding before  
 ' those courts called spiritual courts. These are the  
 ' courts which are chiefly made use of to oppress the  
 ' Quakers; these are the courts they principally de-  
 ' fire to be guarded against. These courts, 'tis true  
 ' are very ancient, but yet I must look upon them  
 ' as a sort of relique of popery; and it must be ac-  
 ' knowledged they are all founded upon the canon-  
 ' law, which is a law I must call blasphemous, ridi-  
 ' culous, and obscene. It must be acknowledg-  
 ' ed to be blasphemous, because the canons of the  
 ' church, or rather of the Pope, are thereby decla-  
 ' red to be of equal authority with the epistles of the  
 ' apostles: It is ridiculous in many instances, parti-  
 ' cularly in this, that it requires three hundred wit-  
 ' nesses to condemn a Pope for any crime, and I  
 ' think above seventy to condemn a Cardinal; thus  
 ' it allows, that a Pope or a Cardinal may be guilty  
 ' of crimes, and I believe they have always had their  
 ' full share of wickedness; but this law makes it im-  
 ' possible

possible to punish any of them for the most flagitious crime a man can be guilty of: As for its obscurity, I do not think it decent to give in this house my reasons for calling it so, but it is well known it is so. I make no doubt but the judges of his Majesty's courts in *Westminster-hall*, think it their business to prevent oppression and vexation as much as they can, as well as to punish them wherever either can be discovered; and while those courts are filled with such judges as they are at present, I make no doubt of their doing their duty; but I cannot say so much of the judges of our ecclesiastical courts; and even in the King's courts, it is sometimes impossible to punish apparent vexation and oppression, especially in the case of tythes; for though an action or suit should be brought in either of those courts, for tythes which might evidently have been recovered by a complaint to the justices of peace, such a suit will be allowed, I believe, to be oppressive and vexatious, yet it would be impossible for the judges to prevent or punish the vexation.

It is, my Lords, a general rule already established by all our laws, that no man ought to be sued in a superior and expensive court for a small sum: There are proper courts established for that purpose, and there the plaintiff ought to take his remedy. Therefore, according to the known spirit of our law, we can do no injury to any man intitled to tythes, by obliging him to apply to an inferior court, in all cases of tythes where no matter of right comes in question; because, where no such matter comes in question, the thing in dispute cannot be of any great value. This cannot encourage Quakers to be more contumacious or litigious than before, because they can never in good conscience pay without a suit; and I hope it will be made no objection against the bill, that they will not hereafter be so often forced to make a sacrifice

‘ of their conscience, as they have been heretofore.  
 ‘ Then with respect to their solicitation, in order to  
 ‘ prevail with the justices to give a sentence or de-  
 ‘ cree for less than really due, it is certain no wise  
 ‘ man among them will solicit any such thing, nor  
 ‘ will any justice who is their friend decree so; be-  
 ‘ cause the incumbent or proprietor of the tythe may,  
 ‘ in that case, apply to the superior courts with safe-  
 ‘ ty, where he will not only recover the full value of  
 ‘ the tythe, but will load the Quaker with all the  
 ‘ costs: This will be a sufficient bar to such solici-  
 ‘ tation or unjust decree, where the Quaker appears  
 ‘ and opposes it; and if your Lordships think there  
 ‘ is danger in the justices and the Quaker’s combi-  
 ‘ ning together, to fix the incumbent by the Quaker’s  
 ‘ not appearing, you may give the incumbent the  
 ‘ same liberty in this last case as he has in the first;  
 ‘ which amendment may likewise be easily made in  
 ‘ the committee.

‘ With respect to the objection, my Lords, that  
 ‘ if the Quaker withdraws his tythes, and afterwards  
 ‘ refuses to appear to be examined before the justices,  
 ‘ it will be impossible for the incumbent to find any  
 ‘ witnesses for proving the value of the tythes so  
 ‘ withdrawn, the objection is founded upon a suppo-  
 ‘ sition, which is not, in my opinion, possible to be  
 ‘ supposed. It is impossible to suppose, that an in-  
 ‘ cumbent cannot find in his whole parish, cottagers,  
 ‘ servants, or other persons who do not pay tythes,  
 ‘ and yet can make a very good judgment of what  
 ‘ might have been the produce of such a spot of  
 ‘ ground, such an apple-tree, such a number of cows,  
 ‘ such a number of sheep, or any thing else that can  
 ‘ be supposed to pay tythe, and their judgments gi-  
 ‘ ven upon oath will certainly, in such a case of con-  
 ‘ tumacy, be a good rule for the justices determi-  
 ‘ tion; especially considering, that in case of con-  
 ‘ tumacy, they may and ought to take a latitude  
 ‘ which they would not otherwise be intitled to:  
 ‘ Nor

‘ Nor can the Quaker be surpris’d with a distress  
‘ upon his goods, before he hears any thing of the  
‘ complaint, without supposing a double perjury;  
‘ first in the service of the summons for his appear-  
‘ ing before the justices, and next in the service of  
‘ the notice of the decree or adjudication: Such a  
‘ supposition is not very charitable, with respect to  
‘ the incumbent who must be concerned, and against  
‘ such perjuries no man can in any case be safe, no  
‘ law can fully provide; there can be no safe-guard  
‘ but the severe punishment of the perjury as soon  
‘ as detected.

‘ Now, my Lords, with respect to the faults or  
‘ inaccuracies found in the several paragraphs of the  
‘ bill. I shall readily grant, that it stands in need  
‘ of some amendments; perhaps the whole scheme  
‘ may be wrong, though I cannot be of that opini-  
‘ on: But we ought to distinguish between the sub-  
‘ ject and the scheme of the bill; the former is cer-  
‘ tainly good, the latter may be altered in the com-  
‘ mittee, without making it a new bill. If the jus-  
‘ tices of peace are not properly or sufficiently im-  
‘ powered to hear and determine all matters relat-  
‘ ing to tythes, the words for that purpose may be  
‘ altered, and more proper words inserted, and far-  
‘ ther powers granted in the committee. If the  
‘ method prescribed for compelling the appearance  
‘ of witnesses be not thought effectual against those  
‘ upon whom no distress can be levied, a few words  
‘ may be added for imprisoning, or otherwise pu-  
‘ nishing their persons; and as for the tything-man  
‘ to be sent by the incumbent, a few words may in  
‘ that case likewise be added, for obliging him to  
‘ set out the tythe in a certain short time, and a  
‘ proper remedy may be provided for preventing his  
‘ doing injustice to, or imposing upon either party  
‘ concerned, and for obliging the Quaker to give  
‘ him a certain reward for his service; but even as  
‘ the bill stands at present, there is nothing in it for



' taking from the farmer the care of his own crop,  
 ' there is no penalty upon his removing the crop  
 ' without setting out the tythe, but what he was sub-  
 ' ject to before this bill was thought of; therefore I  
 ' am sure no Quaker can object against it: If the  
 ' crop be taken away, and the incumbent does not  
 ' recover the full value of his tythe by a complaint  
 ' to the justices, he may then file his bill in the *Ex-*  
 ' *chequer* for a discovery; but if he can recover the  
 ' full value before the justices, I think it is most rea-  
 ' sonable to put some bar upon his going in such an  
 ' expensive way to work. Turnpikes are always set  
 ' up for amending a bad road; in this sense the ne-  
 ' cessity of applying first to the justices of the peace,  
 ' may be called a new turnpike; the road to justice  
 ' is at present difficult, cumbersome and expensive,  
 ' and this new turnpike is set up to make it more  
 ' passable, and less expensive. I hope it will be  
 ' agreed to, because I am convinced it will answer  
 ' the end.

' In short, my Lords, it is hardly possible to form  
 ' a bill but what may, in passing, stand in need of  
 ' some amendments: It is absolutely impossible to  
 ' contrive a new law or regulation, against which  
 ' some inconveniencies may not be suggested. Against  
 ' this bill there are, I think, very few that can  
 ' be reasonably suggested; and the amendments are  
 ' all such as may, in my opinion, with ease and re-  
 ' gularity be made in the committee, therefore I hope  
 ' your Lordships will send it thither. The subject  
 ' of the bill is good, the intention is christian; some  
 ' such bill is certainly necessary: The very title ought  
 ' to induce your Lordships; at least, to try what you  
 ' can do in the committee: If the reverend bench  
 ' refuse their assistance, if the two noble Lords, we  
 ' have now the happiness to have among us, refuse  
 ' being concerned, it will be a great misfortune, but  
 ' still we shall have the assistance of the learned  
 ' judges, and with such an assistance, I hope we shall  
 ' be



' be able to make it a perfect and an useful bill.  
 ' The passing of such a bill will become the dignity  
 ' of this house, will become your Lordships, as  
 ' the lawgivers of a brave and a free people, will  
 ' become you as the protectors of liberty, and as en-  
 ' couragers of that meekness, charity and forbear-  
 ' ance, which are so agreeable to the principles,  
 ' and so strongly inculcated by the doctrines of  
 ' christianity.

' Now, my Lords, is a proper time for endea-  
 ' vouring to pass such a bill : There has been a time  
 ' when all our bishops, and perhaps all the clergy of  
 ' *England* would have joined in their clamours,  
 ' against any attempt for preventing persecution, or  
 ' for demolishing any dangerous power they might  
 ' be possessed of ; and would even have gone the  
 ' length to threaten the members of our legislature,  
 ' for being concerned in or countenancing any such  
 ' attempt : But we are now happy in a different situ-  
 ' ation ; for whatever some young people may  
 ' think, our bishops are now more christian, and  
 ' much more moderate than they were in former  
 ' times : I have seen former times, and therefore I  
 ' say so ; I have seen a noble Lord of this house  
 ' taken down in very harsh terms by a prelate, for  
 ' calling Quakers Christians : I hope I may now call  
 ' them so, without incurring any such reprimand :  
 ' They are certainly so ; and in the course of this bill  
 ' they have shewn themselves so ; for though they  
 ' were not very handsomely used by the counsel  
 ' against them at our bar, they returned no such  
 ' usage : Though *they were reviled, they reviled not*  
 ' *again* ; and yet we know, that the counsel for  
 ' them were very capable to have returned the same  
 ' treatment ; from whence we may judge they were  
 ' instructed to the contrary : Therefore, my Lords,  
 ' as the Quakers are our fellow christians, and as  
 ' they are a great body of innocent, industrious and  
 ' useful subjects, though the bill were so defective

‘ as to take away all hopes of making any thing of  
 ‘ it in the committee, yet out of decency, and for  
 ‘ the sake of that regard which we are bound to  
 ‘ shew to the Quakers, we ought to refer it to the  
 ‘ consideration of a committee.’

Speakers.

The above-mentioned motion for committing the bill, was made by the right hon. the Lord Viscount *Harrington*, and supported by the Lord *Hervey*, the Lord *Carteret*, the Duke of *Argyle*, and the Earl of *Hay*: On the other side, it was opposed by the bishop of *Salisbury*, the Lord Chancellor, the Lord *Hardwick*, and the Lord *Lovel*: But after this debate upon the merits of the bill, the following Lords spoke as follows, viz.

Earl of Scarborough's  
 speech.

The Earl of *Scarborough*. ‘ My Lords, whether  
 ‘ any such bill as the bill now before us be necessary  
 ‘ or not, seems now not to be the question in dispute; because it is acknowledged of all sides, that  
 ‘ the bill now under our consideration is a very imperfect and incorrect bill, therefore, as it is so late,  
 ‘ I shall wave giving my opinion upon that question.  
 ‘ The only question now before us is, whether we  
 ‘ ought to commit the bill, notwithstanding its being so incorrect and imperfect; and the two chief  
 ‘ reasons given for committing it seem to be, either  
 ‘ in hopes that we may be able to amend it in the  
 ‘ committee, so as to make it a bill fit for being  
 ‘ passed into a law; or that we should commit it,  
 ‘ in order to shew our complaisance and our tenderness for the Quakers.

‘ As to the first of these reasons, my Lords, I  
 ‘ must say, I quite despair of our being able to  
 ‘ amend it in the committee, so as to make it a bill  
 ‘ fit for being passed into a law, since the two noble  
 ‘ and learned Lords have both declared, that they  
 ‘ cannot undertake it: And as to our shewing our  
 ‘ regard and our tenderness for the Quakers, though  
 ‘ I

‘ I am desirous to shew them as much complaisance,  
 ‘ nay, as much favour, as any Lord in this house  
 ‘ can desire to shew them, yet, in decency to our  
 ‘ own proceedings, I cannot agree to throw away a  
 ‘ whole day upon any affair, when I foresee that it  
 ‘ can be to no purpose, especially considering its be-  
 ‘ ing so late in the session, when all the time we  
 ‘ have will be necessarily employed about affairs  
 ‘ which may, and some of them must, be brought  
 ‘ to maturity, for which reason I must be against  
 ‘ committing the bill.’

The Lord *Bathurst*. ‘ My Lords, I am for the  
 ‘ commitment of this bill, for a reason different  
 ‘ from either of the two mentioned by the noble  
 ‘ Lord who spoke last, for as to the amendment of  
 ‘ the bill, I agree with him, that it is not to be  
 ‘ expected: There are so many faults in it, that  
 ‘ I think it impossible to amend it in the commit-  
 ‘ tee, so as to make it a bill fit for being passed into  
 ‘ a law.

Lord *Ba-  
thurst's*  
speech.

‘ As I have, my Lords, taken great pains to  
 ‘ consider every clause of this bill, besides admitting  
 ‘ every small fault and every inaccuracy taken notice  
 ‘ of by other Lords in the debates, I will venture to  
 ‘ assert to your Lordships, that there is scarcely one  
 ‘ clause in the bill which can stand unamended: It  
 ‘ is now so late, being, I think, near ten o'clock,  
 ‘ that I do not care to trouble your Lordships with  
 ‘ many particulars; but as the reverend prelate, who  
 ‘ spoke early in the debate, shewed your Lordships  
 ‘ very justly, how one clause in the bill might affect  
 ‘ the Quakers, and render their condition worse  
 ‘ than it is at present, I can shew your Lordships,  
 ‘ that by the same clause in the bill as it now stands,  
 ‘ a clergyman must, in many cases, come off a los-  
 ‘ ser, let him take what way he will to recover that  
 ‘ tythe which is justly due to him: In all cases where

‘ the Quaker, after notice given him, removes his  
 ‘ crop, or any other produce liable to pay tythes,  
 ‘ without setting out the tythes, or waiting till the  
 ‘ tything-man comes to set it out for him, the in-  
 ‘ cumbent has only two methods prescribed for re-  
 ‘ covering his tythe: One is by a complaint to the  
 ‘ two next justices; in which method it may often  
 ‘ be impossible for him to recover the value of the  
 ‘ tythe so withdrawn, for want of proof, and there-  
 ‘ fore, in all such cases, he must necessarily be redu-  
 ‘ ced to the other method, which is, by action or  
 ‘ suit in some of the courts in *Westminster-hall* for  
 ‘ double the value; but then, in this last method,  
 ‘ he is to recover no costs; and therefore, even tho’  
 ‘ he should be able to find witnesses to prove near  
 ‘ the full value of the tythe so withdrawn, and should  
 ‘ recover double the value of the tythe so proved to  
 ‘ have been withdrawn, yet he may, and I believe  
 ‘ will generally come off a loser; for suppose the  
 ‘ value of the tythe so proved to have been with-  
 ‘ drawn, should not amount to above two shillings,  
 ‘ the incumbent, in such case, will recover only four  
 ‘ shillings, and in suing for this four shillings, the  
 ‘ necessary costs of suit on the plaintiff’s side only,  
 ‘ will generally amount to above ten pounds; so  
 ‘ that, notwithstanding the incumbent’s being inti-  
 ‘ tled, by this clause, to double the value of the tythe  
 ‘ withdrawn, yet in all cases, where he cannot prove  
 ‘ that the value of the tythe, so withdrawn, amounts  
 ‘ to above ten pounds, he must necessarily come off  
 ‘ a loser; from whence I must conclude, that if this  
 ‘ clause, as it now stands, should pass into a law, it  
 ‘ would be impossible for any incumbent in *England*  
 ‘ to recover any small tythe from a Quaker, unless  
 ‘ in cases where he could prove by witnesses the full  
 ‘ value of the tythe before the two next justices of  
 ‘ peace.

“ This,



‘ This, my Lords, must necessarily be a great in-  
 ‘ convenience, and I could point out several others,  
 ‘ but I shall not now enter farther into this matter :  
 ‘ I will only tell your Lordships my reason for be-  
 ‘ ing for the commitment. I think it will be a day  
 ‘ well spent, even though it should make the session  
 ‘ continue a day longer than is now designed, to  
 ‘ consider whether any thing can be done in relation  
 ‘ to the ecclesiastical courts ; for though the learned  
 ‘ doctor at the bar said, that none but the Quakers  
 ‘ ever complained of the proceedings of those courts,  
 ‘ I am very sure I have heard them complained of  
 ‘ by all mankind, clergy as well as laity, ever since  
 ‘ I came into the world ; and that a reformation of  
 ‘ them is much desired by every man in the king-  
 ‘ dom, who has not an interest in their present me-  
 ‘ thods of proceeding. For this purpose, my Lords,  
 ‘ and with a view to prepare something against ano-  
 ‘ ther session, in order to put the proceedings of our  
 ‘ ecclesiastical courts upon a better foot ; and at the  
 ‘ same time to consider, whether any thing can be  
 ‘ done to satisfy the Quakers, without doing an in-  
 ‘ jury to the clergy, I am for our giving up one day,  
 ‘ notwithstanding its being so late in the session, and  
 ‘ am therefore for committing the bill.’

After this the Lord *Hervey* stood up again, and  
 spoke to the following effect, *viz.* ‘ My Lords  
 ‘ though many of your Lordships seem to be of opi-  
 ‘ nion, that it would be of dangerous consequence  
 ‘ to take from the clergy, and other persons intitled  
 ‘ to tythes, the privilege of suing Quakers in the  
 ‘ King’s courts ; yet as most, who seem to be of  
 ‘ that opinion, have declared a regard and a ten-  
 ‘ derness for the Quakers, I shall beg leave to  
 ‘ take a little farther notice of that which seems to  
 ‘ be the greatest grievance upon the Quakers, I  
 ‘ mean their being sued in the spiritual courts, be-  
 ‘ cause I hope none of your Lordships will be  
 ‘ against

Lord *Her-  
vey’s* speech.



' gainst giving them relief in that respect ; for it  
 ' is certainly a great grievance upon them ; and  
 ' the taking from ecclesiastics a power or option  
 ' of suing in ecclesiastical courts, can be no injury  
 ' to any ecclesiastic in the kingdom, unless it should  
 ' be called an injury to take from a man the power  
 ' he has of doing an injury to another.

' In order, my Lords, to shew that the suing  
 ' of Quakers in ecclesiastical courts, must be a gri-  
 ' vance upon them, I must beg leave to state the  
 ' case, which I shall do in as brief a manner as I  
 ' can. Suppose the incumbent has a demand upon  
 ' some Quaker in his parish for tythes, *Easter* offer-  
 ' ings, or some such customary payment, to the  
 ' amount of two or three shillings, and that the  
 ' Quaker neither disputes the value, nor the parson's  
 ' right to it : The incumbent knows, that if he  
 ' should demand it as a debt due to him, the Quaker  
 ' would pay it without any contest ; or if he should  
 ' sue for it before the justices of peace, or even in  
 ' the King's courts, the Quaker would neither op-  
 ' pose judgment's being given against him, nor  
 ' would he any way obstruct the executing of that  
 ' judgment upon his goods ; by either of which  
 ' methods, the incumbent would recover his right,  
 ' without putting himself to any great trouble, or  
 ' the Quaker to any very extraordinary expence :  
 ' But the incumbent having a mind to persecute the  
 ' Quaker, or having perhaps a private grudge a-  
 ' gainst him, or intending to raise a contribution  
 ' upon him, sends and makes a formal demand of  
 ' so much money for tythe or *Easter*-offerings, be-  
 ' cause he knows the Quaker cannot in conscience  
 ' comply with such a demand ; and upon the Qua-  
 ' ker's first refusal, he immediately libels him in  
 ' the spiritual court, because he knows the Quaker  
 ' cannot in conscience appear in any such court, or  
 ' obey any of their orders or decrees : Upon the  
 ' Quaker's not appearing, he is of course excom-  
 ' municated,

' municated, so that, in order to prevent or relieve  
 ' himself from the consequences of excommunication,  
 ' he is obliged to apply for a prohibition; and in  
 ' order to obtain a prohibition, he must necessarily  
 ' contest the incumbent's right to this tythe, *Easter-*  
 ' offering, or other customary payment, though he  
 ' be certain of being cast upon the trial, and con-  
 ' sequently, of being loaded with all the expence,  
 ' both in the spiritual and temporal courts, which  
 ' must amount to a very large sum, even in the  
 ' cheapest and most submissive way the Quaker can  
 ' chuse to proceed; for the incumbent being sure of  
 ' recovering all his costs at last will certainly op-  
 ' pose the prohibition as much as he can, and will  
 ' put himself to all the charge he can possibly find  
 ' any pretence for. Thus your Lordships must see,  
 ' that a Quaker may be put to a most extraordinary  
 ' charge, whenever the incumbent pleases, and that  
 ' without any vexation or litigiousness in him, but  
 ' merely for the sake of preserving the testimony of  
 ' a good conscience; and as this hazard or inconve-  
 ' nience recurs every year, it must be granted, that  
 ' the liberty of suing them in spiritual courts is a  
 ' very great grievance upon them.

' But, my Lords, let us see if the taking of this  
 ' liberty or option, from all persons intitled to tythes,  
 ' could be any injury to such persons; and consider-  
 ' ing that no Quaker can in conscience appear in  
 ' any spiritual court, we must conclude, that no man  
 ' can recover his tythe from a Quaker, by any suit  
 ' he can bring in the spiritual court: He may, in-  
 ' deed, get the Quaker arrested and detained in jail,  
 ' till he gives security to appear in that court, that  
 ' is to say, he may make him a prisoner for life, for  
 ' no Quaker can ever give any such security; but by  
 ' no such suit can he ever recover what is due to  
 ' him; so that by taking away this liberty or option  
 ' of suing Quakers in the spiritual court, we take  
 ' from no man a method, by which he can recover  
 ' his

‘ his property, but only a method, by which he  
 ‘ may vex and injure his neighbour, in order to  
 ‘ compel him to act contrary to his conscience: For  
 ‘ this reason, I hope none of your Lordships will  
 ‘ oppose the taking of this liberty or option, from  
 ‘ all persons intitled to tythes; and as this may be  
 ‘ done in the Committee, by throwing out all the  
 ‘ enacting clauses now in the bill, and inserting a  
 ‘ short clause for this purpose, I hope you will there-  
 ‘ fore, upon this account, if there were none other,  
 ‘ agree to the committing of the bill.’

Seconded by  
 the Duke of  
*Argyle.*

This proposition was supported and enforced by  
 the Duke of *Argyle*, who among other things said,  
 ‘ That the noble Lord who spoke last had made a  
 ‘ proposition, which must, in his opinion, be ap-  
 ‘ proved by every one of their Lordships, who was  
 ‘ not against the subject or intention, as well as the  
 ‘ scheme of the bill.’

Answered by  
 the Lord  
*Hardwick.*

This was answered by the Lord *Hardwick*, who  
 among other things said, ‘ That he would have been  
 ‘ very glad to have joined in any thing, for giving  
 ‘ the Quakers as much ease, with respect to their  
 ‘ tythes, as was consistent with that property, which  
 ‘ others had in them, but he despaired of their be-  
 ‘ ing able to do any thing that session; and the pro-  
 ‘ position the noble Lord had made, would not reme-  
 ‘ medy all the Quakers complained of, nor could it,  
 ‘ in his opinion, be executed in the Committee; for  
 ‘ it would be necessary for them, before they could  
 ‘ draw up or agree to any such clause, to consider  
 ‘ the methods of proceeding in most of the courts  
 ‘ in *Westminster-hall*, and to alter some of them,  
 ‘ which they could not pretend to do without a great  
 ‘ deal of deliberation. And moreover, that in or-  
 ‘ der to execute what was proposed, it would be  
 ‘ necessary for them to drop, not only the whole  
 ‘ body of the bill, but a great part of the preamble;  
 ‘ and

' and even the title would require to be intirely altered; in which case it could not, in any sort of propriety, be called the same bill that had passed in the other house, and had been twice read in that: Therefore, he continued in his former opinion, and consequently, was against committing the bill.'

The question being then put upon the first motion, <sup>Division.</sup> for committing the bill, it was upon a division, carried in the negative, by 54 not contents, to 35 contents, as follows, viz.

Not Contents.	Not Contents.
<i>The Lord High Chancellor.</i>	<i>The Earl of Oxford,</i>
<i>The Duke of Grafton,</i>	——— <i>Strafford,</i>
——— <i>Beaufort,</i>	——— <i>Harborough,</i>
——— <i>Leeds,</i>	——— <i>Pomfret,</i>
——— <i>Bedford,</i>	——— <i>Wilmington,</i>
——— <i>Atbol,</i>	——— <i>Malton.</i>
——— <i>Ancaster,</i>	<i>The Lord North,</i>
——— <i>Newcastle,</i>	——— <i>Butler of Weston,</i>
——— <i>Manchester.</i>	——— <i>Gower,</i>
<i>The Earl of Northampton,</i>	——— <i>Montjoy,</i>
——— <i>Berkshire,</i>	——— <i>Masbam,</i>
——— <i>Thanet,</i>	——— <i>Foley,</i>
——— <i>Clarendon,</i>	——— <i>Romney,</i>
——— <i>Shaftsbury,</i>	——— <i>Lovel,</i>
——— <i>Litchfield,</i>	——— <i>Hardwick.</i>
——— <i>Abingdon,</i>	<i>The Ld. Bishop of London,</i>
——— <i>Scarborough,</i>	——— <i>Durham,</i>
——— <i>Warrington,</i>	——— <i>Oxford,</i>
——— <i>Albemarle,</i>	——— <i>Lincoln,</i>
——— <i>Godolphin,</i>	——— <i>Rockester,</i>
——— <i>Morton,</i>	——— <i>Hereford,</i>
——— <i>Selkirk,</i>	——— <i>Litchfield &amp; Coven.</i>
——— <i>Dunmore,</i>	——— <i>Peterborough,</i>
——— <i>Orkney,</i>	——— <i>Chichester,</i>
	<i>Sarum,</i>

The Ld. Bishop of *Sarum*, The L. Bishop of *Norwich*,  
 ——— *Landaff*, ——— *Gloucester*,  
 ——— *St. David's*, ——— *Bristol*.

## Contents.

The Duke of *Richmond*,  
 ——— *Marlborough*,  
 ——— *Rutland*,  
 ——— *Montagu*,  
 ——— *Kent*,  
 ——— *Portland*,  
 ——— *Bridgewater*,  
 ——— *Argyle*.

The Earl of *Pembroke*,  
 ——— *Suffolk*,  
 ——— *Warwick*,  
 ——— *Westmoreland*,  
 ——— *Winchelsea*,  
 ——— *Chesterfield*,  
 ——— *Coventry*,  
 ——— *Crawford*,  
 ——— *Loudoun*,  
 ——— *Ilay*,

## Contents.

The Earl of *Tankerville*,  
 ——— *Fitzwalter*,  
 ——— *Effingham*.  
 The Lord Visc. *Cobham*  
 ——— *Falmouth*,  
 ——— *Torrington*,  
 ——— *Hinton*.

The Lord *Abergavenny*,  
 ——— *Delawar*,  
 ——— *Levelace*,  
 ——— *Carteret*,  
 ——— *Batburst*,  
 ——— *Cadogan*,  
 ——— *King*,  
 ——— *Hobart*,  
 ——— *Manfon*,  
 ——— *Hervey*.

*The End of the THIRTEENTH VOLUME.*

